

## SIXTIETH LEGISLATURE - REGULAR SESSION

## SIXTY FIRST DAY

House Chamber, Olympia, Friday, March 9, 2007

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Renee Wyman and Benjamin Snow. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Iris Crane, Our Lady of the Sacred Earth, Olympia.

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

## RESOLUTIONS

HOUSE RESOLUTION NO. 2007-4635, By Representatives Hunt, Williams, Haigh, DeBolt, Alexander, Newhouse, Armstrong, Grant, Linville and Conway

WHEREAS, Don Brazier has possessed a lifelong passion for the history of the American West, with Washington State in particular; and

WHEREAS, Don Brazier has incredible firsthand experience in government, serving with distinction as a Deputy Prosecuting Attorney, an Assistant United States Attorney, a member and Mayor Pro-Tem of the Yakima City Council, Chief Deputy Attorney General, chairman of the Utilities and Transportation Commission, chairman of the Public Disclosure Commission, and a member of the Washington State House of Representatives; and

WHEREAS, Don Brazier's History of the Washington Legislature provides an invaluable historical record that has been described as "lively, entertaining, and easily readable"; and

WHEREAS, Don Brazier has mastered the art of reading microfilm for longer periods of time than any other historian; and

WHEREAS, Don Brazier delights anyone who listens to him about wonderful and poignant facts about the history of the Legislature; and

WHEREAS, Don Brazier can trace the development of long, drawn-out causes to momentous effects, from the unrest of some House Democrats to the election of Dan Evans as governor; and

WHEREAS, Don Brazier communicates his enthusiasm, knowledge, and respect for the institution of the State Legislature with such verve as to be contagious and impress

his listeners with like enthusiasm and thereby increases the interest in the history of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge and honor the unmistakable personality and encyclopedic knowledge of Don Brazier by recognizing him as the official House Historian.

HOUSE RESOLUTION NO. 4635 was adopted.

HOUSE RESOLUTION NO. 2007-4637, By Representatives Kessler, Skinner and VanDeWege

WHEREAS, Dan Harpole was a leader in the arts community and known throughout the nation for his strong and devoted public service; and

WHEREAS, He was a prominent advocate for the arts since graduating from The Evergreen State College in Olympia in 1982; and

WHEREAS, Once graduating from college, Dan moved to Port Townsend, where he lived for nineteen years and served as a Port Townsend City Council member from 1994 to 1996 and as a Jefferson County Commissioner from 1997 to 2000; and

WHEREAS, For eight years he was assistant program manager for Centrum, a nationally recognized nonprofit arts and creative education center in Port Townsend; and

WHEREAS, Mr. Harpole was appointed to the Washington State Arts Commission by Governor Gary Locke in October 1995 where he served as a two-term member and was then elected Commission Chair in 1998; and

WHEREAS, In November 2000, Mr. Harpole moved to Boise, Idaho when he was unanimously chosen from 36 distinguished candidates as the new executive director of the Idaho Commission on the Arts; and

WHEREAS, He was chosen based on his reputation, achievements, and also for his optimistic, companionable disposition, and his ability to get things done; and

WHEREAS, While in Idaho, Mr. Harpole also served on the executive committee of the board of directors for the National Assembly of State Arts Agencies and was elected president in 2005; and

WHEREAS, Mr. Harpole has been awarded, in memoriam, the Chairman's Medal from the chair of the National Endowment for the Arts "for serving the NEA and arts in America with distinction"; and

WHEREAS, In his passing in December 2006, the state of Washington has lost a nationally renowned leader of the arts;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington, on behalf of the residents of the state of Washington, honor Dan Harpole's life as an arts enthusiast, public servant, father, and friend; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family and friends of Dan Harpole.

HOUSE RESOLUTION NO. 4637 was adopted.

#### MESSAGES FROM THE SENATE

March 8, 2007

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5039,  
SUBSTITUTE SENATE BILL NO. 5052,  
SUBSTITUTE SENATE BILL NO. 5116,  
SUBSTITUTE SENATE BILL NO. 5153,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5244,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
SENATE BILL NO. 5490,  
SUBSTITUTE SENATE BILL NO. 5542,  
SECOND SUBSTITUTE SENATE BILL NO. 5597,  
SENATE BILL NO. 5613,  
SECOND SUBSTITUTE SENATE BILL NO. 5652,  
SECOND SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5826,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,  
SUBSTITUTE SENATE BILL NO. 5919,  
SECOND SUBSTITUTE SENATE BILL NO. 5995,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2007

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5037,  
SUBSTITUTE SENATE BILL NO. 5108,  
SENATE BILL NO. 5113,  
SUBSTITUTE SENATE BILL NO. 5305,  
SENATE BILL NO. 5398,  
SECOND SUBSTITUTE SENATE BILL NO. 5470,  
SUBSTITUTE SENATE BILL NO. 5534,  
SUBSTITUTE SENATE BILL NO. 5691,  
SUBSTITUTE SENATE BILL NO. 5718,  
SENATE BILL NO. 5759,  
SENATE BILL NO. 5773,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 9, 2007

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5259,  
SUBSTITUTE SENATE BILL NO. 5321,  
SUBSTITUTE SENATE BILL NO. 5625,

SUBSTITUTE SENATE BILL NO. 5855,  
SUBSTITUTE SENATE BILL NO. 5952,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

#### SECOND READING

**HOUSE BILL NO. 1956, By Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa**

**Prohibiting discrimination based on lawful source of income.**

The bill was read the second time.

With the consent of the House, amendments (101) and (068) was withdrawn.

Representative Schindler moved the adoption of amendment (168):

On page 1, line 10 of the amendment, after "(2)" insert the following:

"(a) When a finding has been made under RCW 49.60.250 that the respondent has engaged in an unfair practice under this section, the administrative law judge shall promptly issue an order for appropriate relief for the aggrieved party, which may include actual damages and injunctive or other equitable relief. The order may, to further the public interest, assess a civil penalty against the respondent:

(i) In an amount up to two thousand five hundred dollars if the respondent is determined not to have committed any prior unfair practices under this section;

(ii) In an amount up to seven thousand five hundred dollars if the respondent is determined to have committed one other unfair practice under this section during the five-year period ending on the date of the filing of this charge; or

(iii) In an amount up to ten thousand dollars if the respondent is determined to have committed two or more unfair practices under this section during the seven-year period ending on the date of the filing of this charge.

(b) Civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund.

(3)"

On page 1, line 23 of the amendment, strike "(3)" and insert "(4)"

On page 1, after line 29 of the amendment, insert the following: "**Sec. 2.** RCW 49.60.250 and 1993 c 510 s 23 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to

hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed ten thousand dollars, and including a requirement for report of the matter on compliance. Relief available for violations of RCW 49.60.222 through 49.60.224 shall be limited to the relief specified in RCW 49.60.225. Relief available for violations of section 1 of this act shall be limited to the relief specified section 1(2) of this act.

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, impose a civil penalty upon the retaliator of up to three thousand dollars and issue an order to the state employer to suspend the retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. All penalties recovered shall be paid into the state treasury and credited to the general fund.

(7) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(8) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(9) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

(10) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure."

Representatives Schindler and Miloscia spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Dunn moved the adoption of amendment (111):

Strike everything after the enacting clause and insert the following:

"~~NEW SECTION~~, Sec. 1. A new section is added to chapter 49.60 RCW to read as follows:

(1) It is an unfair practice for any person, whether acting for himself, herself, or another, to discriminate in the rental of a dwelling to, or to refuse to negotiate or enter into a rental agreement with, a person because of the person's lawful source of income.

(2) This section does not:

(a) Apply to rental transactions involving the sharing of a dwelling unit as defined in RCW 59.18.030, or the rental or subleasing of a portion of a dwelling unit, when the dwelling unit is to be occupied by the owner or sublessor;

(b) Affect the rights, responsibilities, and remedies of landlords and tenants under chapter 59.18 or 59.20 RCW, except to the extent of inconsistencies with the nondiscrimination requirements of this section; or

(c) Limit the applicability of RCW 49.60.215 relating to unfair practices in places of public accommodation or RCW 49.60.222 through 49.60.227 relating to unfair practices in real estate transactions.

(3) For the purposes of this section, "lawful source of income" means verifiable legal income, including income derived from employment, social security, supplemental security income, other retirement programs, child support, alimony, and any federal, state, or local government or nonprofit-administered benefit or subsidy program, including rental assistance programs, public assistance, and general assistance programs."

Correct the title.

Representatives Dunn and Miloscia spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1956.

#### MOTION

On motion of Representative Schindler, Representative Skinner was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1956 and the bill passed the House by the following vote: Yeas - 72, Nays - 25, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Ross, Sump and Warnick - 25.

Excused: Representative Skinner - 1.

ENGROSSED HOUSE BILL NO. 1956, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1413, By Representatives Eddy, Simpson and Curtis; by request of Department of Ecology**

**Changing the definition of floodway in the shoreline management act.**

The bill was read the second time.

Representative Eddy moved the adoption of amendment (137):

On page 4, line 1, after "(g)" strike all material through "state" on line 17 and insert the following:

""Floodway" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of ((the area of)) a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being

identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography or other indicators of past flooding. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state"

Representatives Eddy and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Eddy and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1413.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1413 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED HOUSE BILL NO. 1413, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1148, By Representatives Simpson, Dunn, Orcutt, McCune, Chase, Wallace, Ormsby and Springer**

**Prohibiting restrictions on the location of mobile homes or manufactured homes based exclusively on age and dimensions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1148 was substituted for House Bill No. 1148 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1148 was read the second time.

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

Representatives Simpson and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1148.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1148 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1148, having received the necessary constitutional majority, was declared passed.

**SECOND READING SUSPENSION**

**HOUSE BILL NO. 1371, By Representative Appleton**

**Addressing traffic infractions involving rental vehicles.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Appleton spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1371.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1371, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1371, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1538, By Representatives Bailey, Linville, Hinkle, Alexander, Haler, Strow, Rodne, Warnick, Morrell, Green and Ericksen**

**Requiring an independent study of health benefit requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1538 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1538.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1538, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1538, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1644, By Representatives Kenney, Sells, Anderson, Appleton, Morrell, Linville, Roberts, Ormsby, McDermott, Conway, Schual-Berke and Haigh; by request of Health Care Authority**

**Modifying health care eligibility provisions for part-time academic employees of community and technical colleges.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kenney and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1644.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1644, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1644, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1675, By Representatives Santos, Curtis, McDermott, Williams, Upthegrove, Hasegawa, Roberts, Schual-Berke, Simpson and Darneille**

**Providing certain public notices in a language other than English.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1675 was read the second time.

The bill was placed on final passage.

Representatives Santos and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1675.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1675, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse,

Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1675, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1677, By Representatives Quall, Rodne, Dunshee, Ormsby, B. Sullivan, Hurst, Chase, Hunt, P. Sullivan, Pettigrew, Lovick, Jarrett, McCoy, Anderson, Upthegrove, Santos, Sells, Conway and Rolfes**

**Creating the outdoor education and recreation grant program for schools and others.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SECOND SUBSTITUTE HOUSE BILL NO. 1677 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1677.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1677, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire,

Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1677, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1694, By Representatives Flannigan, Upthegrove and Kenney**

**Requiring the agency council on coordinated transportation to coordinate special needs transportation.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUE HOUSE BILL NO. 1694 was read the second time.

The bill was placed on final passage.

Representatives Flannigan and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1694.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1694, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1887, By Representatives Linville, Armstrong and Grant**

**Allowing identicard renewal by mail or electronic commerce for individuals over the age of seventy.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1887.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1887, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1887, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1923, By Representatives Hunt and Condotta**

**Modifying requirements for motor vehicle transporter license applications.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1923.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1923, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1923, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1955, By Representatives Wood, B. Sullivan, Kristiansen, Condotta, Crouse and Lovick**

**Establishing licensing requirements for certain vehicle dealers.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1955 was read the second time.

The bill was placed on final passage.

Representatives Wood and Jarrett spoke in favor of passage of the bill.



The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1955.

#### MOTION

On motion of Representative Schindler, Representative Condotta was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1955, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Excused: Representatives Condotta and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1955, having received the necessary constitutional majority, was declared passed.

#### SECOND READING

**HOUSE BILL NO. 2079, By Representatives McDermott, Ormsby, Williams, Simpson and Hunt**

##### Concerning use of agency shop fees.

The bill was read the second time.

With the consent of the House, amendment (108) was withdrawn.

Representative Chandler moved the adoption of amendment (095):

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1, and insert "Labor organizations may not use any fund or account where agency shop fees are commingled with other funds to make contributions or expenditures to influence an election or to operate a political committee."

Correct the title.

Representatives Chandler, Ericksen, Andersen and Buri spoke in favor of the adoption of the amendment.

Representatives Hunt and Appleton spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (095) to House Bill No. 2079.

#### MOTION

On motion of Representative Santos, Representative Ormsby was excused.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (095) to House Bill No. 2079, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Flannigan, Goodman, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Pettigrew, Priest, Roach, Rodne, Ross, Schindler, Seaquist, Strow, Sump, Wallace, Walsh and Warnick - 43.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Pedersen, Quall, Roberts, Rolfes, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 53.

Excused: Representatives Ormsby and Skinner - 2.

Representative Chandler moved the adoption of amendment (113):

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1, and insert "A labor organization may use any fund or account where agency shop fees are commingled with other revenue to make contributions or expenditures to influence an election or to operate a political committee when nonmembers have been provided with a rebate of such fees that is equal to the pro-rata share of the average of all such contributions or expenditures over the preceding three years of actual reported financial information for the labor organization plus a cushion of 3 percent of the annual agency shop fee for the same three year period in order to

adjust for variations caused by negligible errors in either calculations or organization expenses.

(3) "Expenditures to influence an election" includes, but is not limited to, expenditures for staff whose duties affect elections or have the responsibility of training other staff or volunteers to affect elections; expenditures on communication efforts internally or externally to advance or oppose one or more candidates or ballot measures; expenditures to assist voter turn out; expenditures for staff to aid in recruiting or training candidates; expenditures for staff or materials to prepare ballot measures or recall efforts; expenditures for staff or legal services to contest election results; and donations of funds to organizations or individuals that make expenditures to influence an election.

(4) "To operate a political committee" means expenditures on staff work, promotional materials, professional services, and internal communication efforts that aid in the operation and funding of a political committee."

Correct the title.

Representatives Chandler, Orcutt, Schindler, Armstrong and Strow spoke in favor of the adoption of the amendment.

Representatives Hunt and Flannigan spoke against the adoption of the amendment.

#### POINT OF ORDER

Representative Buri: \*\*\*

#### SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): \*\*\*

The amendment was not adopted.

Representative Rodne moved the adoption of amendment (193):

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1, and insert "An agency shop fee paying nonmember of a labor organization has a cause of action in superior court against the labor organization for wrongful use of agency shop fees if the labor organization violates subsection (1) of this section.

(3) Upon finding that there is a violation of subsection (1) of this section, the court shall award the plaintiff damages and the costs of the suit, including investigative costs and reasonable attorneys' fees and costs. The court may impose a civil penalty not exceeding twenty-five thousand dollars for each violation and may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain further violations.

(4) Labor organizations that have been found to be in violation of subsection (1) of this section may not enforce a union security clause in any collective bargaining agreement for five years."

Correct the title.

Representatives Rodne, Anderson, Erickson and Haler spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (210):

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1, and insert "The following definitions apply to this section.

(a) "Agency shop fees" are fees paid by nonmember employees to a labor organization for the costs related to collective bargaining, contract administration, and activity related to matters affecting wages, hours, and other conditions of employment done by the labor organization on behalf of all employees.

(b) "Use of agency shop fees" includes the use of agency shop fees and the use of any funds that are commingled with agency shop fees.

(c) "Expenditures to influence an election" includes, but is not limited to, expenditures for staff whose duties affect elections or have the responsibility of training other staff or volunteers to affect elections; expenditures on communication efforts internally or externally to advance or oppose one or more candidates or ballot measures; expenditures to assist voter turn out; expenditures for staff to aid in recruiting or training candidates; expenditures for staff or materials to prepare ballot measures or recall efforts; expenditures for staff or legal services to contest election results; and donations of funds to organizations or individuals that make expenditures to influence an election.

(d) "To operate a political committee" means expenditures on staff work, promotional materials, professional services, and internal communication efforts that aid in the operation and funding of a political committee.

(e) "Affirmatively authorized" means that the nonmember signed a declaration within the twelve month period prior to the expenditure indicating consent to the labor organization's use of the fees to influence an election."

Correct the title.

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

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Armstrong moved the adoption of amendment (204):

On page 1, beginning on line 11, strike "its general treasury funds" and insert "any fund or account where agency shop fees are commingled"

On page 1, line 13, after "in" strike "its general treasury" and insert "any such fund or account"

On page 1, line 13, after "expenditures." strike all material through "immediately." on page 2, line 1, and insert:

"(3) A labor organization that uses a fund or account where agency shop fees are commingled to make such contributions or expenditures must:

(a) Annually send separate written notice to each nonmember providing information on the labor organization's compliance with the requirements of subsection (1) of this section. The written notice must be on a form provided by the public disclosure commission and must include, but is not limited to, the following information:

(i) The text of the statute and a statement that the written notice is in part compliance with the statutory requirements therein;

(ii) An explanation that the notice is provided because the individual is a nonmember of the labor organization and is entitled to a rebate of fees spent in excess of chargeable activities; and

(iii) A complete accounting of the total revenue from member dues and agency shop fees, and of expenditures on chargeable and nonchargeable activities for preceding three fiscal years; and

(b) Include with the written notice a separate card that the nonmember can sign and return to the labor organization to obtain a rebate of his or her portion of the agency shop fees not spent on chargeable activities."

Correct the title.

Representatives Armstrong, Anderson, Schindler, Flannigan, Ericksen and Rodne spoke in favor of the adoption of the amendment.

Representatives Quall and Hunt spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (204) to House Bill No. 2079.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (204) to House Bill No. 2079, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Goodman, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Seaquist, Strow, Sump, Wallace, Walsh and Warnick - 42.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi,

Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 54.

Excused: Representatives Ormsby and Skinner - 2.

Representative Armstrong moved the adoption of amendment (203):

On page 1, line 12, after "if" strike all material through "immediately." on page 2, line 1, and insert "in the preceding twelve months all nonmembers have been either charged a fee that has been reduced by an amount equal to a pro-rata share of the amount used for purposes not germane to the collective bargaining process or to other labor processes such as contract administration or matters affecting wages, hours, and other conditions of employment based on the average of that amount over the preceding three years; or, if in the preceding twelve months all nonmembers have received a refund of the actual portion of their agency fees used for purposes not germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment."

Representatives Armstrong, Chandler, Ericksen and Newhouse spoke in favor of the adoption of the amendment.

Representatives McDermott and Eickmeyer spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dunn moved the adoption of amendment (138):

On page 1, line 13, after "expenditures." insert:

"**Sec. 2.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide personally held religious beliefs, or on the tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to ((~~any~~) any nonreligious charity or ((~~to another~~))charitable organization registered with the secretary of state ((mutually agreed upon by the employee affected and the bargaining representative))to which such employee would otherwise pay the dues and fees. ((~~The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.~~))"

Renumber following sections accordingly. Correct the title.

Representatives Dunn, Chandler and Anderson spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Armstrong moved the adoption of amendment (205):

On page 1, line 13, after "expenditures." strike all material through "immediately." on page 2, line 1, and insert:

"(3) To prevent agency shop fees from subsidizing nonchargeable activities, labor organizations must allocate the cost of chargeable activities on a per employee basis."

Representatives Armstrong and Bailey spoke in favor of the adoption of the amendment.

Representatives Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hinkle moved the adoption of amendment (208):

On page 1, line 13, after "expenditures." strike all material through "immediately." on page 2, line 1, and insert:

"(3) To document the requirements of this section, the public disclosure commission shall prepare reporting forms and require completion by those labor organizations that elect to receive agency shop fees and make such contributions or expenditures. The information required by the reporting forms must include, but is not limited to:

(a) Total spending;

(b) Total nonchargeable spending;

(c) Total election spending as described in RCW 42.17.760;

(d) Total revenue from agency shop fees;

(e) Total revenue from member dues; and

(f) Total revenue from other sources.

(4) The public disclosure commission shall prepare an annual report on the contributions and expenditures made by labor organizations to affect elections and to operate political committees."

Representatives Hinkle, Chandler, Buri, Walsh, Armstrong, Ericksen, Alexander, Kristiansen, Newhouse, Buri and Ross spoke in favor of the adoption of the amendment.

Representatives Cody, Simpson, Sells and Sells (again) spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Kretz moved the adoption of amendment (096):

On page 1, beginning on line 14, strike all of Section 2.

Correct the title.

Representatives Kretz, Haler, Jarrett, Ross, Hinkle, Alexander, Bailey, Ahern, Anderson, Ericksen and Orcutt spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Condotta moved the adoption of amendment (195):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is a substantial governmental interest to:

(1) Extend to public employees protections similar to those afforded to private sector employees regarding reporting and accountability for their bargaining representatives;

(2) Assure that a public employee's right to refrain from compelled speech and from financing expenditures that are not germane to the collective bargaining process or to contract administration is properly balanced with the bargaining representative's ability to collect dues and fees and to use them;

(3) Discourage corruption and mismanagement within employee organizations; and

(4) Reduce the disputes brought under union security clauses between members of a bargaining unit and their bargaining representative by providing better information.

Sec. 2. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the

employee organization or to the depository designated by the employee organization.

(3) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a workplace representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(4) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to ((the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining

representative)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

**Sec. 3.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ~~((regular union dues and initiation fee))~~ a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. ~~((When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.))~~ The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

**Sec. 4.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable ~~((for a period of more than one year))~~. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization. Nothing in this section

obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each faculty member with annual written notice, separate from any other publication, conspicuously explaining the affected faculty members' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each faculty member with annual written notice, separate from any other publication, conspicuously explaining that faculty members have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such faculty member is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected faculty member. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(4) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such faculty member is a member shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to ~~((the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative))~~ a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

**Sec. 5.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to or less than such dues. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive

bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) All union security provisions must safeguard the right of nonassociation of employees based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member. Such employee shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ~~((regular dues and fees))~~ a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

**Sec. 6.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to or less than the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative

of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide personally held religious beliefs or the tenets, or teachings of a church or religious body of which the employee is a member, shall ~~(; as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization))~~ either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other

charitable organization an amount of money equivalent to a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~((3))~~ (4) Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

~~((4))~~ (5) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

**Sec. 7.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to or less than such dues. Nothing in this section obligates the employer to withhold funds for a political action committee obligated to report under RCW 42.17.040.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provide each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provide each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permit all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Do not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide personally held religious beliefs or the tenets or teachings of a church or religious body of which such employee is a member. Such employee shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ((regular dues and fees)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization."

Correct the title.

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

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (206):

Strike everything after the enacting clause and insert the following:



"Sec. 1. RCW 42.17.760 and 1993 c 2 s 16 are each amended to read as follows:

A labor organization that collects agency shop fees in excess of a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

Sec. 2. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 3. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining

representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the pro rata share shall be documented for the nonmember using historical data.

(3) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 4. RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, ~~((a fee equivalent to such dues))~~ an agency shop fee. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data. All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or

religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

**Sec. 5.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment ~~((, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later,))~~ of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount ~~((required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee))~~ no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide personally held religious beliefs or the tenets, or teachings of a church or religious body of which the employee is a member, shall ~~((, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization))~~ either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to the agency shop fee. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) Upon filing with the employer the written authorization of a bargaining unit

employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

**Sec. 6.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to ~~((such dues))~~ a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

**Sec. 7.** RCW 41.56.113 and 2006 c 54 s 3 are each amended to read as follows:

(1) Upon the written authorization of an individual provider or a family child care provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider or a family child care provider the monthly amount of dues as certified by the secretary of the exclusive

bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers or family child care providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, ~~((a fee equivalent to the dues))~~ an agency shop fee. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider or the family child care provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300 or 41.56.028, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(4) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be

administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

**Sec. 8.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The amount of the funds collected under a union security provision shall not exceed a pro rata share of expenditures for purposes germane to the collective bargaining process, contract administration, or for matters affecting wages, hours, and other conditions of employment. Determination of the share of the fee shall be documented for the nonmember using historical data. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement."

Correct the title.

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

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (207):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION, Sec. 1.** The legislature finds that confusion exists regarding the rights and protections afforded to those paying agency shop fees and intends to clarify those rights by specifying limits on the uses of agency fees. The legislature further finds that the extraordinary power to compel payment for services is a power normally reserved only to public entities, and that its extension to private entities with nonpublic interests including campaign activities must be restricted to the purposes justifying its authorization by law. The legislature further finds that the United States constitutional protection against compelled speech preempts any statutory grant of power to compel payment for collective bargaining services, and interpretations of state law must always put protection from compelled speech before labor organization convenience. The legislature further finds that many labor organizations operate without relying on mandatory fees, and the inclusion of such mandatory fees in bargaining agreements and their protection under law is not necessary for the interests and rights of labor organizations. The legislature further finds that generally accepted accounting principles consider commingled funds to be from all sources, and that only a complete refund of agency fees would satisfy the requirements of the citizens' Initiative Measure No. 134.

**Sec. 2.** RCW 42.17.760 and 1993 c 2 s 16 are each amended to read as follows:

(1) A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

(2) Subject to other provisions of this chapter, labor organizations may use any fund or account from which payments or expenditures are made, and where agency shop fees are commingled, to make contributions or expenditures to influence an election or operate a political committee if all agency shop fees collected in the twelve months prior to the contribution or expenditure are returned to those who paid fees and did not affirmatively authorize these uses.

(3) For the purpose of this section:

(a) "Agency shop fees" means any funds received from someone who has not affirmatively joined a labor organization but supplied those funds pursuant to a collective bargaining agreement;

(b) "Affirmatively authorized" means that the agency fee payer signed a declaration within the twelve months prior to the expenditure indicating consent to use of the fees to influence an election;

(c) "Use agency shop fees" means to make any expenditure from agency shop fees or any funds commingled with agency shop fees including general treasury funds; and

(d) "Expenditures to influence an election" includes but is not limited to expenditures on staff who have duties including activities to affect elections or train other staff or volunteers to affect elections, expenditures on communication efforts internally or externally to advance or oppose one or more candidates or ballot measures, expenditures to identify voter preferences, expenditures to aid in voter turnout, expenditures on staff to aid in recruiting or training candidates, expenditures on staff or materials to prepare ballot measures or recall efforts, expenditures on staff or legal services to

contest election results, and donations of funds to organizations or individuals who make expenditures to influence an election."

Correct the title.

Representatives Chandler, Armstrong and Haler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (209):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.17.760 and 1993 c 2 s 16 (Initiative Measure No. 134, approved November 3, 1992) are each amended to read as follows:

A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election, transfer or contribute such fees to an affiliated organization that makes such contributions or expenditures, or to operate a political committee, unless affirmatively authorized by the individual."

Correct the title.

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

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives McDermott, Hunt and Simpson spoke in favor of passage of the bill.

Representatives Bailey, Anderson, Warnick, Armstrong, Orcutt, Curtis, Haler, Kristiansen, Hailey, Ahern, Schindler, Chandler, Buri and Strow spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2079.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2079 and the bill passed the House by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Williams, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Eddy, Ericksen, Goodman, Hailey, Haler, Hankins, Hinkle, Jarrett, Kelley, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schindler, Seaquist, Strow, Sump, Wallace, Walsh and Warnick - 42.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 2079, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1260, By Representatives Conway, Crouse, Fromhold, Kenney, Ericks, Ormsby, Simpson and Moeller; by request of Select Committee on Pension Policy**

**Establishing contribution rates in the Washington state patrol retirement system.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1260 was substituted for House Bill No. 1260 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1260 was read the second time.

Representative Bailey moved the adoption of amendment (185):

Beginning on page 2, line 32, strike all of section 3

Correct the title.

Representatives Bailey and Clibborn spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Conway and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1260.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1260 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2268, By Representatives Lantz, Lovick, Strow, Kagi, Eddy, Ericks, Green, B. Sullivan, McCoy, Moeller, Schual-Berke, Kenney, Hunt, Kelley and Ormsby**

**Revising provisions relating to possession of dangerous weapons on school facilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2268 was substituted for House Bill No. 2268 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2268 was read the second time.

Representative Kagi moved the adoption of amendment (157):

Strike everything after the enacting clause and insert the following:

"Sec 1. RCW 9.41.280 and 1999 c 167 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any ~~(other dangerous weapon as defined in RCW 9.41.250)~~ live ammunition, an ammunition magazine, or a device for suppressing the noise of any firearm;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; ~~(or)~~

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;

~~(f) A blackjack, slung shot, sand club, billy club, or metal knuckles;~~

~~(g) Any stun gun or other object, instrument, or device which, when applied to a person or animal, is designed to administer an incapacitating electric shock, charge, or impulse, including but not limited to, a projectile stun gun, which projects wired probes attached to the device that emit an electrical charge;~~

~~(h) Any explosive or any weapon containing poisonous or injurious gases; or~~

~~(i) Any dirk, dagger, spring blade knife, knife having a blade longer than three inches, razor with an unguarded blade, knife having a blade which is automatically released by a spring mechanism or other mechanical device, or knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement.~~

~~(2) It is unlawful for a person on public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools, to possess and use, attempt to use, threaten to use, or intend to use, any object, implement, or instrument that has the capacity to inflict death or substantial bodily harm when the use, attempt, threat, or intent is of a nature likely to inflict such death or harm. Objects, implements, and instruments subject to this subsection include but are not limited to:~~

~~(a) Any knife not described in subsection (1) of this section;~~

~~(b) A leather punch, ice pick, or screwdriver;~~

~~(c) Any metal baton, pipe, bar, or other tool; or~~

~~(c) Any item not described in subsection (1) of this section containing poisonous or injurious gas, liquid, or other substance.~~

~~(3) A multistakeholder advisory committee to the office of the superintendent of public instruction that addresses elements of school safety is encouraged to develop a model policy and guidance for school building administrators, school staff, school security personnel, and members of threat assessment committees regarding procedures that should be followed to document evidence of a person's use, attempt to use, threat to use, or intent to use a dangerous weapon on school grounds.~~

~~((2)) (4) Any ((such)) person violating subsection (1) or (2) of~~

this section is guilty of a gross misdemeanor, except as provided in (a) of this subsection.

(a) Any person violating subsection (1)(a) of this section is guilty of a class C felony, except that a student who was otherwise legally in possession of an unloaded firearm secured within a locked vehicle, and who possessed the firearm with no intent to use it or threaten to use it, or intent to cause or threaten to cause alarm with it, is guilty of a gross misdemeanor.

(b) In addition, if any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

(c) Any violation of subsection (1)(a) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.420. Any other violation by elementary or secondary school students may constitute grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. Within one business day of any allegation or indication of a violation, an appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding ((any)) the allegation or indication of such violation. Law enforcement shall forward this notification to the prosecuting attorney.

(d) Upon the arrest of a person ((at least twelve years of age and)) not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. If the person is under the age of twelve, the person may only be detained under home detention or electronic monitoring. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the ((county-))designated mental health professional unless the court in its discretion releases the person ((sooner after a determination regarding probable cause or on probation bond or bail)) to the custody of a parent or guardian.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the ((county-))designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The ((county-))designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If ((the)) a person under twelve years of age has been released ((on probation, bond, or bail)) prior to the required examination, the examination shall occur wherever is appropriate.

The ((county-))designated mental health professional may determine whether to refer the person to the ((county-))designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The ((county-))designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If ((the)) a person under twelve years of age has been released ((on probation, bond, or bail)) prior to the required examination, the examination shall occur wherever is appropriate.

Upon completion of any examination by the ((county-))designated mental health professional or the ((county-))designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any

determination about the person.

The ~~((county=))~~ designated mental health professional and ~~((county=))~~ designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the ~~((county=))~~ designated mental health professional determines it is appropriate, the ~~((county=))~~ designated mental health professional may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual. If the person examined is determined by the designated mental health professional to be ineligible for detention or services relative to the provisions of chapter 71.05 or 71.34 RCW, the person should be referred to a multidisciplinary threat or risk assessment committee, where available, for determination of the person's risk for continued violence and the development of a safety plan for the person and any known targets or victims. The threat or risk assessment committee is typically comprised of representatives from school districts, local law enforcement, local juvenile justice agencies, mental health, risk management organizations, local family services organizations, and school safety or security professionals.

~~((3))~~ (5) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or ~~((dangerous))~~ other weapon specified in subsection (1) of this section that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; ~~((or))~~

(h) Any law enforcement officer of the federal, state, or local government agency; or

(i) Any person legally in possession of a weapon specified in subsection (1) of this section for an activity or class authorized to be conducted on the school premises, school-provided transportation, or areas of facilities while being used exclusively by the school, where the weapon has been brought to the school premises with express prior permission to be used in the approved activity or class, or has been provided specifically for the activity or class.

~~((4))~~ (6) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

~~((5))~~ (7) Except as provided in subsection ~~((3))~~ (5)(b), (c), ~~((4))~~, and (h) of this section, firearms are not permitted in a public or private school building.

~~((6))~~ (8) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds."

Correct the title.

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

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lantz, Rodne and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2268.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2268 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 91.

Voting nay: Representatives Appleton, Blake, Eddy, Eickmeyer, Flannigan and Van De Wege - 6.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2268, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 9, 2007

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5114,  
 SUBSTITUTE SENATE BILL NO. 5145,  
 SUBSTITUTE SENATE BILL NO. 5221,  
 ENGROSSED SENATE BILL NO. 5261,  
 SENATE BILL NO. 5332,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5712,  
 SUBSTITUTE SENATE BILL NO. 5714,  
 SECOND SUBSTITUTE SENATE BILL NO. 5790,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843,  
 SECOND SUBSTITUTE SENATE BILL NO. 5955,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958,  
 SUBSTITUTE SENATE BILL NO. 5964,  
 SENATE BILL NO. 5969,  
 SENATE BILL NO. 6107,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

With the consent of the House, Rule 13c was suspended.

## SECOND READING

**HOUSE BILL NO. 1055, By Representatives Hudgins,  
 B. Sullivan, Morris, Dunshee and Chase**

### Defining alternative motor fuels.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1055 was substituted for House Bill No. 1055 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1055 was read the second time.

With the consent of the House, amendments (035), (036), (037), (026), (040), (039), (089) and (097) were withdrawn.

Representative Ericksen moved the adoption of amendment (153):

On page 5, after line 34, insert the following:

**"NEW SECTION. Sec. 6.** A new section is added to chapter 19.112 RCW to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees, dyed special fuel users, and special fuel distributors, shall not use biodiesel fuel derived from palm oil to qualify towards the biodiesel fuel requirements established in RCW 19.112.110, unless the following conditions are satisfied:

(a) The special fuel licensee can demonstrate that, at the time of production, there was not sufficient Washington grown feedstock available to produce the biodiesel from canola, rapeseed, or mustard oil; and

(b) The palm oil was purchased from a company that:

(i) Maintains active membership in the roundtable on sustainable palm oil; and

(ii) Implements the roundtable on sustainable palm oil's

directives as they are promulgated in order to ensure the sustainability of the palm oil.

(2) For purposes of this section, "palm oil" means a form of edible vegetable oil obtained from the fruit of the oil palm tree."

Correct the title.

Representatives Ericksen and Hudgins spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hudgins and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1055.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1055 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Van De Wege - 1.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1103, By Representatives Campbell, Green, Kenney, Hudgins, Appleton, Schual-Berke and Cody**



**Concerning health professions.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1103 was substituted for House Bill No. 1103 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1103 was read the second time.

Representative Cody moved the adoption of amendment (177):

On page 21, after line 26, insert the following:

"**Sec. 18.** RCW 18.71.017 and 2000 c 171 s 23 are each amended to read as follows:

(1) The commission may adopt such rules as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on July 1, 1994, unless otherwise repealed or rejected by this chapter or by the commission.

(2) The commission may adopt rules governing office based sedation and anesthesia performed by persons licensed under this chapter, including necessary training, and equipment.

**Sec. 19.** RCW 18.57.005 and 1986 c 259 s 94 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

(3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;

(4) To adopt rules governing office based sedation and anesthesia performed by persons licensed under this chapter, including necessary training, and equipment;

(5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

**Sec. 20.** RCW 18.22.015 and 1990 c 147 s 5 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatric physician and surgeon licenses;

(3) Examine and investigate all applicants for podiatric physician and surgeon licenses and certify to the secretary all applicants it judges to be properly qualified;

(4) Adopt any rules which it considers necessary or proper to carry out the purposes of this chapter;

(5) Adopt rules governing office based sedation and anesthesia performed by persons licensed under this chapter, including necessary training, and equipment;

(6) Determine which schools of podiatric medicine and surgery will be approved."

Renumber the sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Bailey moved the adoption of amendment (174):

On page 21, beginning on line 27, strike all of section 18 and insert the following:

"**NEW SECTION. Sec. 18.** Section 4 of this act takes effect January 1, 2008."

Correct the title.

Representatives Bailey, Alexander and Hinkle spoke in favor of the adoption of the amendment.

Representatives Campbell and Cody spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Campbell, Green and Schual-Burke spoke in favor of passage of the bill.

Representatives Hinkle and Curtis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1103.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1103 and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Sump and Warnick - 27.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1103, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1103.

CHRIS STROW, 10<sup>th</sup> District

**HOUSE BILL NO. 1322, By Representatives McCoy, Grant, Sells, Cody, Conway, Schual-Berke, Roberts, Pettigrew, Lantz, Kagi, Moeller, Chase, Green, Kenney, Simpson, Darneille, Dickerson, Hankins, Santos, Ormsby and Flannigan**

**Defining disability in the Washington law against discrimination.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1322 was substituted for House Bill No. 1322 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1322 was read the second time.

Representative Rodne moved the adoption of amendment (166):

On page 5, line 4, after "means" strike everything through "effect" on line 36 and insert ", with respect to an individual:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the individual;  
(b) A record of such an impairment; or  
(c) Being regarded as having such an impairment"

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

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives McCoy and Pedersen spoke in favor of passage of the bill.

Representatives Rodne and Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1322.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1322 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Sump, Walsh and Warnick - 33.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1322.

CHRIS STROW, 10<sup>th</sup> District

**HOUSE BILL NO. 1349, By Representatives Condotta and Wood**

**Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200.**

The bill was read the second time.

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

Representatives Condotta and Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1349.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1349 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloschia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1349, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1422, By Representatives Roberts, Dickerson, Appleton, Walsh, Haler, Darneille, Lovick, Pettigrew, Quall, Hasegawa, Sells, Goodman, Eddy, Green, O'Brien, Chase, Kagi, Ormsby and Santos**

**Addressing children and families of incarcerated parents.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1422 was substituted for House Bill No. 1422 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1422 was read the second time.

Representative Roberts moved the adoption of amendment (188):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes the significant impact on the lives and well-being of children and families when a parent is incarcerated. It is the intent of the legislature to support children and families, and maintain familial connections when appropriate, during the period a parent is incarcerated. Further, the legislature finds that there must be a greater emphasis placed on identifying state policies and programs impacting children with incarcerated parents. Additionally, greater effort must be made to ensure that the policies and programs of the state are supportive of the children, and meet their needs during the time the parent is incarcerated.

According to the final report of the children of incarcerated parents oversight committee, helping offenders build durable family relationships may reduce the likelihood that their children will go to prison later in life. Additionally, the report indicates that offenders who reconnect with their families in sustaining ways are less likely to reoffend. In all efforts to help offenders build these relationships with their children, the safety of the children will be paramount.

**NEW SECTION. Sec. 2.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary of corrections shall review current department policies and assess the following:

(a) The impact of existing policies on the ability of offenders to maintain familial contact and engagement between inmates and children; and

(b) The adequacy and availability of programs targeted at inmates with children.

(2) The secretary shall adopt policies that encourage familial contact and engagement between inmates and their children with the goal of facilitating normal child development, while reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent and the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed.

(3) The department shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the families of inmates,

particularly the children of incarcerated parents;

(b) Evaluate data to determine the impact on recidivism and intergenerational incarceration; and

(c) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.04 RCW to read as follows:

(1)(a) The secretary of social and health services shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive services through the department who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The secretary shall adopt policies that encourage familial contact and engagement between inmates of the department of corrections facilities and their children with the goal of facilitating normal child development, while reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent, the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed. The programs and policies should also meet the needs of the child while the parent is incarcerated.

(2) The secretary shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of public assistance, or children in the care of the state under chapter 13.34 RCW, who are the children and families of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.215 RCW to read as follows:

(1)(a) The director of the department of early learning shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive assistance who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The director shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, while reducing intergenerational incarceration.

(2) The director shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of assistance who are the children and families of inmates incarcerated in department of corrections facilities;

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) The superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities;

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.63A RCW to read as follows:

(1)(a) The department of community, trade, and economic development shall establish an advisory committee to monitor, guide, and report on recommendations relating to policies and programs for children and families with incarcerated parents.

(b) The advisory committee shall include representatives of the department of corrections, the department of social and health services, the department of early learning, the office of the superintendent of public instruction, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the administrative office of the courts, the Washington association of sheriffs and police chiefs, jail administrators, the office of the governor, and others who have an interest in these issues.

(c) The advisory committee shall:

(i) Gather the data collected by the departments as required in sections 2 through 5 of this act;

(ii) Monitor and provide consultation on the implementation of recommendations contained in the 2006 children of incarcerated parents report;

(iii) Identify areas of need and develop recommendations for the legislature, the department of social and health services, the department of corrections, the department of early learning, and the office of the superintendent of public instruction to better meet the needs of children and families of persons incarcerated in department of corrections facilities; and

(iv) Advise the department of community, trade, and economic development regarding community programs the department should fund with moneys appropriated for this purpose in the operating budget. The advisory committee shall provide recommendations to the department regarding the following:

(A) The goals for geographic distribution of programs and funding;

(B) The scope and purpose of eligible services and the priority of such services;

(C) Grant award funding limits;

(D) Entities eligible to apply for the funding;

(E) Whether the funding should be directed towards starting or supporting new programs, expanding existing programs, or whether the funding should be open to all eligible services and providers; and

(F) Other areas the advisory committee determines appropriate.

(d) The children of incarcerated parents advisory committee shall

update the legislature and governor annually on committee activities, with the first update due by January 1, 2008.

(2) The department of community, trade, and economic development shall select community programs or services to receive funding that focus on children and families of inmates incarcerated in a department of corrections facility and sustaining the family during the period of the inmate's incarceration.

(a) Programs or services which meet the needs of the children of incarcerated parents should be the greatest consideration in the programs that are identified by the department.

(b) The department shall consider the recommendations of the advisory committee regarding which services or programs the department should fund.

(c) The programs selected shall collaborate with an agency, or agencies, experienced in providing services to aid families and victims of sexual assault and domestic violence to ensure that the programs identify families who have a history of sexual assault or domestic violence and ensure the services provided are appropriate for the children and families.

**NEW SECTION. Sec. 7.** The children of incarcerated parents oversight committee shall expire on the effective date of this section.

**NEW SECTION. Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Roberts and Walsh spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Roberts, Ahern, Walsh and O'Brien spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1422.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1422 and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Appleton, Armstrong, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Condotta,

Conway, Crouse, Darneille, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 86.

Voting nay: Representatives Alexander, Anderson, Bailey, Buri, Chandler, Curtis, DeBolt, Hailey, Kretz, Schindler and Strow - 11.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1461, By Representatives Morrell, Miloscia, O'Brien, Ericks, Hunt, Sells, Green, Flannigan, Williams, Kenney, Appleton, Ormsby, Quall, Haigh, Hasegawa and Lantz**

**Addressing manufactured/mobile home community registrations and dispute resolution.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1461 was substituted for House Bill No. 1461 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1461 was read the second time.

With the consent of the House, amendment (118) was withdrawn.

Representative Springer moved the adoption of amendment (156):

On page 12, line 3, strike all of section 9

Representatives Springer and Dunn spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Morrell, Dunn, McCune and Miloscia spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1461.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1461 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1590, By Representatives Goodman, Rodne, Curtis, Eddy, Pearson, Springer, Linville, Roach, Jarrett, Priest, Clibborn, Ericks, Chandler, Schual-Berke, Dunshee, Upthegrove, Sells, Miloscia, Hurst, Williams, Newhouse, Simpson and Kenney**

**Changing provisions affecting courts of limited jurisdiction.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1590 was substituted for House Bill No. 1590 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1590 was read the second time.

Representative Bailey moved the adoption of amendment (171):

On page 6, beginning on line 3, strike all of section 7

Correct the title.

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

Representative Goodman spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Goodman and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1590.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1590, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1636, By Representatives Simpson, B. Sullivan, Dunshee, Upthegrove, McCoy, Dickerson, P. Sullivan, Morrell, Sells and Rolfes**

**Creating a regional transfer of development rights program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1636 was substituted for House Bill No. 1636 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1636 was read the second time.

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

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1636.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1636 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Hailey and Orcutt - 2.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1636, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1669, By Representatives Strow, Ericks, O'Brien, Rodne, Kirby, Haler, Eddy, Hinkle and Lantz**

**Concerning the district and municipal court's probation and supervision services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1669 was substituted for House Bill No. 1669 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1669 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1669.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1669 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1669, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1705, By Representatives Barlow, Ormsby, Kenney and Wood**

**Creating health sciences and services authorities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1705 was substituted for House Bill No. 1705 and the second substitute bill was placed on the second reading

calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1705 was read the second time.

With the consent of the House, amendment (201) was withdrawn.

Representative Hunter moved the adoption of amendment (243):

On page 3, line 28, strike "two authorities" and insert "one authority"

On page 3, line 34, strike "July 1, 2008" and insert "December 31, 2007"

On page 5, line 34, after "with the" insert "revenue generated by the tax authorized under section 11 of this act and"

On page 6, line 34, after "BONDS." insert "(1)"

On page 6, line 36, after "programs" strike "." and insert "and retire the indebtedness in whole or in part from the funds distributed pursuant to section 11 of this act and subject to the following requirements:

(a) The ordinance adopted by the local government creating the authority and authorizing the use of the excise tax in section 11 of this act indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices.

(2)"

On page 7, after line 24, insert the following:

**"NEW SECTION. Sec. 11.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Beginning October 1, 2007, the department shall distribute, on a quarterly basis, to a local government with a health sciences and services authority an amount equal to 0.0075 percent of the proceeds generated by the taxes authorized under chapters 82.08 and 82.12 RCW within that local government's jurisdiction during the previous quarter. The amounts received under this section may only be used in accordance with section 6 of this act or to finance and retire the indebtedness incurred pursuant to section 7 of this act, in whole or in part.

(2) This section expires January 1, 2013."

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

Representatives Hunter and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

final passage.

Representative Barlow spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1705.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1705 and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

Voting yea: Representatives Ahem, Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darnelle, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hankins, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Curtis, DeBolt, Dunn, Ericksen, Hailey, Haler, Hasegawa, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Strow, Sump, Walsh and Warnick - 29.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1743, By Representatives Kretz, B. Sullivan, Sump, Upthegrove and Linville**

**Requiring the appointment of county noxious weed control boards.**

The bill was read the second time.

Representative Kretz moved the adoption of amendment (160):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 17.10.010 and 1997 c 353 s 2 are each amended



to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Noxious weed" means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board. The list is divided into three classes:

(a) Class A consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C consists of any other noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(4) "Owner" means the person in actual control of property, or his or her agent, whether the control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of the easement is deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of the easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" means conforming to the standards of noxious weed control or prevention in this chapter or as adopted by rule in chapter 16-750 WAC by the state noxious weed control board and ~~((an activated))~~ a county noxious weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those that are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

(10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080.

(11) "Screenings" means a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning either grain or seeds, or both, such as light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, floor sweepings, sand, and dirt.

**Sec. 2.** RCW 17.10.020 and 1997 c 353 s 3 are each amended to read as follows:

(1) In each county of the state there is created a noxious weed control board, bearing the name of the county within which it is located. The jurisdictional boundaries of each board are the boundaries of the county within which it is located.

(2) ~~((Each noxious weed control board is inactive until activated pursuant to the provisions of RCW 17.10.040))~~ Beginning January 1, 2008, and thereafter, each county must have a noxious weed control board in place, appointed in the manner provided in RCW 17.10.050.

**Sec. 3.** RCW 17.10.030 and 1997 c 353 s 4 are each amended to read as follows:

There is created a state noxious weed control board comprised of nine voting members and three nonvoting members. Four of the voting members shall be ~~((elected by the members of the various activated county noxious weed control boards, and shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, and those qualifications shall continue through their term of office))~~ members of county noxious weed control boards and that qualification must continue through their terms of office. They shall be elected by the members of various county noxious weed control boards under rules adopted by the state noxious weed control board as provided in this section. Two of these members shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture is a voting member of the board. One voting member shall be elected by the directors of the various active weed districts formed under chapter 17.04 or 17.06 RCW. The Washington state association of counties appoints one voting member who shall be a member of a county legislative authority. The director shall appoint two voting members to represent the public interest, one from the west side and one from the east side of the state. The director shall also appoint three nonvoting members representing scientific disciplines relating to weed control. The term of office for all members of the board is three years from the date of election or appointment.

The board, by rule, shall establish a position number for each elected position of the board and shall designate which county noxious weed control board members are eligible to vote for each elected position. The elected members serve staggered terms. Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms. Nominations and elections shall be by mail and conducted by the board.

The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a chair and other officers as may be necessary. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The members of the board serve without salary, but shall be reimbursed for travel expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 4.** RCW 17.10.050 and 1997 c 353 s 6 are each amended to read as follows:

(1) Each ~~((activated))~~ county noxious weed control board consists of five voting members appointed by the county legislative authority. In appointing the voting members, the county legislative authority shall divide the county into five geographical areas that best represent the county's interests, and appoint a voting member from each geographical area. At least four of the voting members shall be engaged in the primary production of agricultural products. There is one nonvoting member on the board who is the chair of the county extension office or an extension agent appointed by the chair of the county extension office. Each voting member of the board serves a term of four years, except that the county legislative authority shall, when a board is first ~~((activated))~~ appointed under this chapter, designate two voting members to serve terms of two years. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2)(a) The voting members of the board serve until their replacements are appointed. New members of the board shall be appointed at least thirty days prior to the expiration of any board member's term of office.

(b) Notice of expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in the ~~((section [geographical area]))~~ geographical area with last publication occurring at least ten days prior to the nomination. All persons interested in appointment to the board and residing in the geographical area with a pending nomination shall make a written application that includes the signatures of at least ten registered voters residing in the geographical area supporting the nomination to the county noxious weed control board. After nominations close, the county noxious weed control board shall, after a hearing, send the applications to the county legislative authority recommending the names of the most qualified candidates, and post the names of those nominees in the county courthouse and publish in at least one newspaper of general circulation in the county. The county legislative authority, within ten days of receiving the list of nominees, shall appoint one of those nominees to the county noxious weed control board to represent that geographical area during that term of office.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The board shall elect from its members a chair and other officers as may be necessary.

(4) In case of a vacancy occurring in any voting position on a county noxious weed control board, the county legislative authority of the county in which the board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

**Sec. 5.** RCW 17.10.060 and 1997 c 353 s 7 are each amended to read as follows:

(1) Each ~~((activated))~~ county noxious weed control board shall employ or otherwise provide a weed coordinator whose duties are fixed by the board but which shall include inspecting land to determine the presence of noxious weeds, offering technical assistance and education, and developing a program to achieve compliance with the weed law. The weed coordinator may be employed full time, part time, or seasonally by the county noxious weed control board. County weed board employment practices shall comply with county personnel policies. Within sixty days from initial employment the weed coordinator shall obtain a pest control consultant license, a pesticide operator license, and the necessary endorsements on the licenses as required by law. Each board may purchase, rent, or lease equipment, facilities, or products and may hire additional persons as it deems necessary for the administration of the county's noxious weed control program.

(2) Each ~~((activated))~~ county noxious weed control board has the power to adopt rules and regulations, subject to notice and hearing as provided in chapters 42.30 and 42.32 RCW, as are necessary for an effective county weed control or eradication program.

(3) Each ~~((activated))~~ county noxious weed control board shall meet with a quorum at least quarterly.

**Sec. 6.** RCW 17.10.074 and 1997 c 353 s 9 are each amended to read as follows:

(1) In addition to the powers conferred on the director under other provisions of this chapter, the director, with the advice of the

state noxious weed control board, has power to:

(a) Require the county legislative authority or the noxious weed control board of any county or any weed district to report to ~~((it))~~ the director concerning the presence, absence, or estimated amount of noxious weeds and measures, if any, taken or planned for the control thereof;

(b) Employ staff as may be necessary in the administration of this chapter;

(c) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out this chapter;

(d) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter including but not limited to surveying for and detecting noxious weed infestations;

(e) Upon receipt of a complaint signed by a majority of the members of an adjacent county noxious weed control board or weed district, or by one hundred registered voters that are land owners within the county, require the county legislative authority or noxious weed control board of the county or weed district that is the subject of the complaint to respond to the complaint within forty-five days with a plan for the control of the noxious weeds cited in the complaint;

(f) If the complaint in (e) of this subsection involves a class A or class B noxious weed, order the county legislative authority, noxious weed control board, or weed district to take immediate action to eradicate or control the noxious weed infestation. If the county or the weed district does not take action to control the noxious weed infestation in accordance with the order, the director may control it or cause it to be controlled. The county or weed district is liable for payment of the expense of the control work including necessary costs and expenses for attorneys' fees incurred by the director in securing payment from the county or weed district. The director may bring a civil action in a court of competent jurisdiction to collect the expenses of the control work, costs, and attorneys' fees;

(g) Until January 1, 2008, in counties without ~~((an activated))~~ a noxious weed control board, enter upon any property as provided for in RCW 17.10.160, issue or cause to be issued notices and citations and take the necessary action to control noxious weeds as provided in RCW 17.10.170, hold hearings on any charge or cost of control action taken as provided for in RCW 17.10.180, issue a notice of civil infraction as provided for in RCW 17.10.230 and 17.10.310 through ~~((and))~~ and 17.10.350, and place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same authorities and responsibilities imposed by these sections on county noxious weed control boards;

(h) Adopt a list of noxious weed seeds and toxic weeds which shall be controlled in designated articles, products, or feed stuffs as provided for in RCW 17.10.235.

(2) The moneys appropriated for noxious weed control to the department shall be used for administration of the state noxious weed control board, the administration of the director's powers under this chapter, the purchase of materials for controlling, containing, or eradicating noxious weeds, the purchase or collection of biological control agents for controlling noxious weeds, and the contracting for services to carry out the purposes of this chapter. ~~((In a county with an activated noxious weed control board:))~~ The director shall make every effort to contract with ~~((that))~~ county noxious weed control boards for the needed services.

(3) If the director determines the need to reallocate funds previously designated for county use, the director shall convene a meeting of the state noxious weed control board to seek its advice concerning any reallocation.

**Sec. 7.** RCW 17.10.080 and 1997 c 353 s 10 are each amended to read as follows:

(1) The state noxious weed control board shall each year or more often, following a hearing, adopt a state noxious weed list.

(2) Any person may request during a comment period established by the state weed board the inclusion, deletion, or designation change of any plant to the state noxious weed list.

(3) The state noxious weed control board shall send a copy of the list to each ~~((activated))~~ county noxious weed control board ~~((;))~~ and to each weed district ~~((; and to the county legislative authority of each county with an inactive noxious weed control board)).~~

(4) The record of rule making must include the written findings of the board for the inclusion of each plant on the list. The findings shall be made available upon request to any interested person.

**Sec. 8.** RCW 17.10.190 and 1997 c 353 s 23 are each amended to read as follows:

Each ~~((activated))~~ county noxious weed control board must publish annually, and at other times as may be appropriate, in at least one newspaper of general circulation within its area, a general notice. The notice shall direct attention to the need for noxious weed control and give other information concerning noxious weed control requirements as may be appropriate, or indicate where such information may be secured. In addition to the general notice required, the county noxious weed control board may use any appropriate media for the dissemination of information to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. The methods may include some combination of physical, mechanical, cultural, chemical, and/or biological methods, including livestock. Publication of a notice as required by this section is not a condition precedent to the enforcement of this chapter.

**Sec. 9.** RCW 17.10.205 and 1997 c 353 s 24 are each amended to read as follows:

Open areas subject to the spread of noxious weeds, including but not limited to subdivisions, school grounds, playgrounds, parks, and rights of way shall be subject to regulation by ~~((activated))~~ county noxious weed control boards in the same manner and to the same extent as is provided for all terrestrial and aquatic lands of the state.

**Sec. 10.** RCW 17.10.240 and 1997 c 353 s 27 are each amended to read as follows:

(1) ~~((The activated))~~ Each county noxious weed control board ~~((of each county))~~ shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year ~~((; PROVIDED, That if the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program it shall petition the county legislative authority to hold a hearing as provided in RCW 17.10.890)).~~ Control of weeds is a benefit to the lands within any such section. Funding for the budget is derived from any or all of the following:

(a) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it will gather information to serve as a basis for classification and then classify the lands into suitable

classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forest lands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, an amount as seems just. The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre: PROVIDED, That if no benefits are found to accrue to a class of land, a zero assessment may be levied. The county legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept or modify by resolution, or refer back to the board for its reconsideration all or any portion of the proposed levels of assessment. The amount of the assessment constitutes a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each lien created be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes bear interest at the rate of twelve percent per annum and the interest accrues as of the date notice of the lien is sent to the owner: PROVIDED FURTHER, That any collections for the lien shall not be considered as tax; or

(b) The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(2) Forest lands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that does not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection (3) of this section.

(3) The calculation of the "weighted average per acre noxious weed assessment" is a ratio expressed as follows:

(a) The numerator is the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forest lands as identified in subsection (2) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area.

(b) The denominator is the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may be based on the following assumptions: (i) Unimproved lands are calculated as being one-half acre in size on the average, and (ii) improved lands are calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information.

(4) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forest lands as defined in subsection (2) of this section shall not exceed one-tenth of the per parcel assessment on nonforest lands.

**Sec. 11.** RCW 17.10.250 and 1997 c 353 s 28 are each amended to read as follows:

The legislative authority of any county (~~(with an activated noxious weed control board)~~) or the board of any weed district may apply to the director for noxious weed control funds when informed by the director that funds are available. Any applicant must employ adequate administrative personnel to supervise an effective weed control program as determined by the director with advice from the state noxious weed control board. The director with advice from the state noxious weed control board shall adopt rules on the distribution and use of noxious weed control account funds.

**Sec. 12.** RCW 17.10.280 and 1987 c 438 s 35 are each amended to read as follows:

Every (~~(activated)~~) county noxious weed control board performing labor, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the control of noxious weeds, or in causing control of noxious weeds, upon any property pursuant to the provisions of chapter 17.10 RCW has a lien upon such property for the labor performed, material furnished, or equipment supplied whether performed, furnished, or supplied with the consent of the owner, or his agent, of such property, or without the consent of said owner or agent.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 17.10.040 (Activation of inactive county noxious weed control board) and 1997 c 353 s 5, 1987 c 438 s 3, 1975 1st ex.s. c 13 s 2, & 1969 ex.s. c 113 s 4; and

(2) RCW 17.10.890 (Deactivation of county noxious weed control board--Hearing) and 1997 c 353 s 32 & 1987 c 438 s 37."

Correct the title.

Representatives Kretz and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1743.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1743 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant,

Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Dunn - 2.

Excused: Representative Skinner - 1.

ENGROSSED HOUSE BILL NO. 1743, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1837, By Representatives Newhouse, Cody and Schual-Berke

#### Directing the department of health to develop guidelines for the transport of nonambulatory persons in a vehicle not licensed under chapter 18.73 RCW.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1837 was substituted for House Bill No. 1837 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1837 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1837.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1837 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler,

Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 95.

Voting nay: Representatives Armstrong and Condotta - 2.  
Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 1837, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1992, By Representatives Santos, Kenney and Hasegawa**

**Creating community preservation and development authorities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1992 was substituted for House Bill No. 1992 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1992 was read the second time.

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

Representative Santos spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1992.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1992 and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney,

Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Campbell, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Strow, Sump and Warnick - 30.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1992, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2010, By Representatives Haigh, Hunt, Ericks, Conway, Haler, Green, Hasegawa, Appleton, Campbell, Sells, Kenney, VanDeWege, Cody, Hurst, McDermott, Simpson and Ormsby**

**Providing responsible bidder criteria and related requirements for public works contracts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2010 was substituted for House Bill No. 2010 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2010 was read the second time.

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

Representatives Haigh and Ormsby spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2010.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2010 and the bill passed the House by the following vote: Yeas - 76, Nays - 21, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Appleton,

Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Curtis, DeBolt, Dunn, Ericksen, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Ross, Schindler, Sump and Warnick - 21.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 2010, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2053, By Representatives Goodman, Springer, O'Brien, Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst**

**Providing for improved availability of motor vehicle fuel during power outages or interruptions in electrical service.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2053 was substituted for House Bill No. 2053 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2053 was read the second time.

Representative Goodman moved the adoption of amendment (239):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for the purchase of an alternative power generation device by an eligible person. The credit is equal to the lesser of fifty percent of the cost of the alternative power generation device or fifty thousand dollars.

(2) The amount of the credit provided in subsection (1) of this section may not exceed the tax otherwise due under this chapter for the tax reporting period.

(3) The total amount of credits taken under this section in any biennium may not exceed seven hundred fifty thousand dollars.

(4) The definitions in this subsection apply throughout this section:

(a) "Alternative power generation device" means a device capable of providing electrical power for gasoline service station pumps during periods when regular electrical power is lost including, but not limited to, portable generators, standby generators, emergency generators, or other power generation devices.

(b) "Eligible person" means a person selling motor vehicle or special fuel from a gasoline service station, or other facility, with at least four fuel pumps.

(5) This section expires June 30, 2011.

**NEW SECTION. Sec. 2.** This act takes effect August 1, 2007."

Correct the title.

Representatives Goodman and Rodne spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Goodman, Rodne and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2053.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2053 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Hasegawa - 1.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2053, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2134, By Representatives VanDeWege, Linville, Grant, Walsh, Kenney, Curtis, Moeller, Conway, Fromhold, Seaquist, P. Sullivan, Hinkle, Ericks, Upthegrove, Schual-Berke, Hurst, Sells, Lovick, Williams, Campbell, Chase, Quall, Simpson, Hasegawa, Santos, Goodman, Haler, Ormsby and Kelley**

**Authorizing port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2.**

The bill was read the second time.

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

Representative VanDeWege spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2134.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2134 and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, DeBolt, Dunn, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler, Strow, Sump and Warnick - 23.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 2134, having received the necessary

constitutional majority, was declared passed.

**HOUSE BILL NO. 2146, By Representatives Seaquist, Rolfes, Lantz, Appleton, Simpson and Kelley**

**Providing for the transfer of sales and use taxes on toll projects to reduce the amount of the project.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (240):

On page 1, line 9, strike "eighty percent of"

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

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representative Seaquist spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2146.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2146 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove,

Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 2146, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2325, By Representatives Kenney, Pettigrew, Flannigan, Haler, Hankins, Skinner, Kirby, Blake, Ericks, Wood, Upthegrove, Ormsby, P. Sullivan, Barlow, Chase, Quall, Hasegawa, Conway, McIntire, Grant, Morris, McDermott, Sells, Kessler and Santos**

**Creating the community development fund.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2325 was substituted for House Bill No. 2325 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2325 was read the second time.

Representative McDonald moved the adoption of amendment (236):

On page 5, line 10, after "not:" strike all material through "requests;" on line 11

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

Representative Fromhold spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McDonald moved the adoption of amendment (237):

On page 5, line 11, after "requests;" strike all material through "requested;" on line 12

Renumber the subsections consecutively and correct any internal references accordingly.

On page 5, after line 13, insert the following:

"(4) The department shall require that applicants contribute no less than a twenty-five percent cash or in-kind match to the state funds requested."

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives McDonald and Orcutt spoke in favor of

the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Kenney, Ormsby and Pettigrew spoke in favor of passage of the bill.

Representatives McDonald, Orcutt and Newhouse spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2325.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2325 and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Erickson, Hailey, Hinkle, Jarrett, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Strow, Sump and Warnick - 30.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 2325, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2361, By Representative Conway**

**Regarding collective bargaining for certain employees of institutions of higher education and related boards.**

The bill was read the second time.



There being no objection, Substitute House Bill No. 2361 was substituted for House Bill No. 2361 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2361 was read the second time.

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

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2361.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2361 and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Armstrong, Barlow, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Hailey, Haler, Hankins, Kretz, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Roach, Ross, Schindler and Sump - 22.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 2361, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2361.

LARRY HALER, 8<sup>th</sup> District

**HOUSE BILL NO. 1251, By Representatives Morrell, Haler, O'Brien, Skinner, Lantz, Hinkle, Upthegrove,**

**Takko, Moeller, Wallace, Crouse, Campbell, Kristiansen, Wood, Pearson, Ross, Fromhold, McCoy, Williams, Kretz, Hurst, Green, Kenney, VanDeWege, Haigh, McCune, Grant, Darneille, Simpson, Dunn and Rolfes**

#### Addressing the issue of stolen metal property.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1251 was substituted for House Bill No. 1251 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1251 was read the second time.

With the consent of the House, amendment (058) was withdrawn.

Representative Morrell moved the adoption of amendment (231):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under section 3 of this act.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys, and unwanted electronic product, as that term is defined under RCW 70.95N.020. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Record" means a paper, electronic, or other method of storing information.

(7) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(8) "Scrap metal processor" means a person with a current

business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(9) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(10) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(11) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

**NEW SECTION. Sec. 2. RECORDS REQUIRED FOR PURCHASING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC.** (1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

- (a) The signature of the person with whom the transaction is made;
- (b) The time, date, location, and value of the transaction;
- (c) The name of the employee representing the scrap metal business in the transaction;
- (d) The name, street address, and telephone number of the person with whom the transaction is made;
- (e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the nonferrous metal property subject to the transaction;
- (f) A description of the motor vehicle used to deliver the nonferrous metal property subject to the transaction;
- (g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and
- (h) A description of the predominant types of nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge

stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

**NEW SECTION. Sec. 3. REQUIREMENTS FOR PURCHASING OR RECEIVING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC.** (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a street address under the requirements of section 2 of this act. For transactions valued at greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under section 2 of this act, no earlier than ten days after the transaction was made. A transaction occurs on the date provided in the record required under section 2 of this act.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**NEW SECTION. Sec. 4. RECORD FOR COMMERCIAL ACCOUNTS.** (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

- (a) The full name of the commercial enterprise or commercial account;
- (b) The business address and telephone number of the commercial enterprise or commercial account; and
- (c) The full name of the person employed by the commercial enterprise who is authorized to deliver nonferrous metal property and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal property and commercial metal property from the

commercial enterprise. The documentation must include, at a minimum, the following information:

- (a) The time, date, and value of the property being purchased or received;
- (b) A description of the predominant types of property being purchased or received; and
- (c) The signature of the person delivering the property to the scrap metal business.

**NEW SECTION. Sec. 5. REPORTING TO LAW ENFORCEMENT.** (1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of nonferrous metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any nonferrous metal property or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

**NEW SECTION. Sec. 6. PRESERVING EVIDENCE OF METAL THEFT.** (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of nonferrous metal property or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of nonferrous metal property or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

**NEW SECTION. Sec. 7. UNLAWFUL VIOLATIONS.** It is a gross misdemeanor under chapter 9A.20 RCW for:

- (1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;
- (2) Any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks

engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

- (3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;
- (4) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;
- (5) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;
- (6) Any person to sign the declaration required under section 2 of this act knowing that the nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under section 2 of this act constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the nonferrous metal property subject to the transaction was stolen;
- (7) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or
- (8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of section 3(4) of this act.

**NEW SECTION. Sec. 8. CIVIL PENALTIES.** (1) Each violation of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act shall be punishable, upon conviction, by a fine of not more than one thousand dollars.

(2) Within two years of being convicted of a violation of any of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act, each subsequent violation shall be punishable, upon conviction, by a fine of not more than two thousand dollars.

**NEW SECTION. Sec. 9. EXEMPTIONS.** The provisions of this chapter do not apply to transactions conducted by the following:

- (1) Motor vehicle dealers licensed under chapter 46.70 RCW;
- (2) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;
- (3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and
- (4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

**NEW SECTION. Sec. 11.** RCW 9.91.110 (Metal buyers--Records of purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

**NEW SECTION. Sec. 12.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Warnick moved the adoption of amendment (234) to amendment (231):

On page 8, after line 9 of the amendment, insert the following:

**"NEW SECTION. Sec. 10.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for theft in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

**NEW SECTION. Sec. 11.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for possessing stolen property in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates

a public hazard.

**Sec. 12.** RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement

increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.01.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.01.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this

subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional twelve months and one day shall be added to the standard sentence range for theft in the first or second degree when there has been a special verdict or finding that the damage to the victim greatly exceeds the value of the stolen property under section 9 of this act.

(10) An additional twelve months and one day shall be added to the standard sentence range for possessing stolen property in the first or second degree when there has been a special verdict or finding that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property under section 10 of this act."

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

Representative Warnick spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The question before the House was the adoption of amendment (231) as amended.

Representatives Morrell, Warnick and Rodne spoke in favor of the adoption of amendment (231) as amended.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1251.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1251 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0,

Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1285, By Representatives Anderson, Fromhold, Priest, Quall and Haler**

**Recodifying the basic education program.**

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1285.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1285 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hailey, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, O'Brien,

Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 1285, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1374, By Representatives Upthegrove, Sump, Hunt, Appleton, Chase, Kenney, Simpson, Roberts, Dickerson, Conway and Springer; by request of Governor Gregoire**

**Creating the Puget Sound partnership.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1374 was substituted for House Bill No. 1374 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1374 was read the second time.

With the consent of the House, amendments (248), (250), (249), (251) and (181) were withdrawn.

Representative Upthegrove moved the adoption of amendment (224):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that all levels of government need to work together in partnership with the public, tribes, nongovernmental organizations, and the private sector to ensure that Puget Sound will be a thriving natural system, with clean marine and freshwaters, healthy and abundant native species, natural shorelines and places for public enjoyment, and a vibrant economy that prospers in productive harmony with a healthy Puget Sound.

**Sec. 2.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read as follows:

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

(1) (~~"Action team" means the Puget Sound water quality action team.~~

~~(2) "Chair" means the chair of the action team.~~

~~(3) "Council" means the Puget Sound council created in RCW 90.71.030.~~

~~(4) "Puget Sound management plan" means the 1994 Puget Sound water quality management plan as it exists June 30, 1996, and as subsequently amended by the action team.~~

~~(5) "Support staff" means the staff to the action team.~~

~~(6) "Work plan" means the work plan and budget developed by the action team.)~~ "Action agenda" means the product developed pursuant to section 13 of this act, and includes the Puget Sound management plan as it exists on the effective date of this section and as it is modified in the future by the council.

(2) "Action agenda goals" means those goals established in section 13 of this act.

(3) "Benchmarks" means scientific standards that can be measured.

(4) "Board" means the coordination board.

(5) "Committee" means the Puget Sound science advisory committee.

(6) "Council" means the leadership council.

(7) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(8) "Food web" means a succession of organisms in an ecological community that constitutes a continuation of food energy from one organism to another as each organism consumes a lower member and, in turn, is preyed upon by a higher member.

(9) "Nearshore" means the areas, including shorelines and estuaries, beginning at the crest of the coastal bluffs and extending seaward through the marine photic zone and to the head of the tide in coastal rivers and streams.

(10) "Partnership" means the Puget Sound partnership.

(11) "Puget Sound" means Puget Sound and related inland marine waterways, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(12) "Puget Sound partner" means an entity identified as a Puget Sound partner under section 17 of this act.

(13) "Salmon recovery areas" means the fourteen salmon recovery areas defined in the Puget Sound salmon recovery plan adopted by the national oceanic and atmospheric administration national marine fisheries service January 19, 2007.

(14) "Watershed group" means:

(a) Salmon recovery planning groups;

(b) Water resource inventory area groups;

(c) Marine resources committees;

(d) Regional fisheries enhancement groups; and

(e) Other governmental or quasi-governmental entities that address physical, chemical, biological, ecological, or other environmentally related activities in a hydrologically defined area.

**NEW SECTION. Sec. 3. PUGET SOUND PARTNERSHIP.** An independent agency of state government, to be known as the Puget Sound partnership, is created to oversee the restoration of the environmental health of Puget Sound by 2020. The agency shall consist of a leadership council, an executive director, a coordination board, and a Puget Sound science advisory committee.

**NEW SECTION. Sec. 4. LEADERSHIP COUNCIL--STRUCTURE--PROCEDURES.** (1)(a) The partnership shall be led by a leadership council composed of seven members appointed by the governor, with the advice and consent of the senate, with the commissioner of public lands and the chair of the committee serving as additional nonvoting ex officio members.

(b) The governor shall designate one of the seven members to

serve as chair and a vice-chair shall be selected annually by the membership of the council.

(2) The initial members shall be appointed as follows:

(a) Three of the initial members shall be appointed for a term of two years;

(b) Two of the initial members shall be appointed for a term of three years; and

(c) Two of the initial members shall be appointed for a term of four years.

(3) The initial members' successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds.

(4) Members of the council are eligible for reappointment.

(5) Any member of the council may be removed by the governor for cause.

(6) Members whose terms expire shall continue to serve until reappointed or replaced by a new member.

(7) A majority of the council constitutes a quorum for the transaction of business.

(8) Council decisions and actions require majority vote approval of all council members.

**NEW SECTION. Sec. 5. LEADERSHIP COUNCIL-- POWERS AND DUTIES.** (1) The leadership council created in section 4 of this act shall have the power and duty to:

(a) Provide overall leadership and have overall responsibility for the functions of the partnership, including setting strategic priorities and interim benchmarks and making final decisions for the partnership;

(b) Develop, approve, revise, and oversee implementation and adaptive management of the action agenda developed under section 13 of this act;

(c) Allocate all funds appropriated to the partnership from the Puget Sound recovery account created in section 27 of this act;

(d) Adopt procedural rules, in accordance with chapter 34.05 RCW, as necessary to direct the internal management of the council;

(e) Apply accountability measures consistent with the assessment in RCW 43.17.390;

(f) Provide the state of the Sound report to the governor and the legislature, as provided in section 20 of this act;

(g) Appoint members of the board, as provided in section 7 of this act;

(h) Appoint members of the committee, as provided in section 9 of this act;

(i) Create subcommittees, advisory committees, and nonprofit corporations, as appropriate to assist the council;

(j) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions to effectuate the purposes of this chapter;

(k) Make grants to governmental and nongovernmental entities to effectuate the purposes of this chapter;

(l) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the partnership to effectuate the purposes of this chapter. The partnership may expend the same or any income therefrom according to the terms of the gifts, grants, and endowments;

(m) Promote extensive public awareness, education, and participation in Puget Sound protection and recovery;

(n) Receive and expend funding from other public agencies;

(o) Facilitate accountability and reporting obligations;

(p) Develop and implement a process to review and address

citizen concerns regarding action agenda development;

(q) Serve as the regional recovery organization for purposes of chapter 77.85 RCW for Puget Sound salmon recovery; and

(r) Conduct periodic reviews of its governmental and organizational effectiveness, identification of barriers to implementation, and recommend changes in authorizing statutes to the governor and the legislature to improve its effectiveness in carrying out the duties and responsibilities of this chapter.

(2) The council may delegate functions to the chair and to the executive director, however the council may not delegate its decisional authority regarding developing or amending the action agenda.

(3) The council shall work closely with existing organizations and all levels of government to ensure that the action agenda and its implementation are scientifically sound, efficient, and achieve necessary results to accomplish recovery of Puget Sound to health by 2020.

(4) The council shall support, engage, and foster watershed groups to enable them to address local concerns.

(5) When working with federally recognized Indian tribes to develop and implement the action agenda, the council shall conform to the procedures and standards required in a government-to-governmental relationship with tribes under the 1989 Centennial Accord between the state of Washington and the sovereign tribal governments in the state of Washington.

(6) The council shall consult with the committee to determine environmental indicators, benchmarks, and action agenda implementation.

(7) The council may, on advice of the committee or by its own decision, consult the Washington academy of sciences created in chapter 70.220 RCW to secure independent scientific review of significant technical and scientific issues related to its work.

**NEW SECTION. Sec. 6. EXECUTIVE DIRECTOR-- POWERS AND DUTIES.** (1) The partnership shall be administered

by an executive director who serves as a communication link between all levels of government, the private sector, nongovernmental organizations, the council, the board, and the committee. The executive director shall be accountable to the council and the governor for effective communication, actions, and results.

(2) The executive director shall be appointed by and serve at the pleasure of the governor, in consultation with the council. The governor shall consider the recommendations of the council when appointing the executive director.

(3) The executive director has the following powers and duties:

(a) To supervise the administrative operations of the Puget Sound partnership and its staff;

(b) To administer the partnership programs and budget;

(c) To prepare and update the action agenda in accordance with the goals and guidelines established by the council and in consultation with the board and with the committee;

(d) To produce and distribute a Puget Sound science update as provided in section 23 of this act;

(e) To represent and promote the interests of the state on Puget Sound recovery issues and further the mission of the partnership;

(f) To enter into contracts and agreements, upon approval of the council, with private nonprofit corporations to further state goals of preserving, conserving, and enhancing the health of Puget Sound for its ecological value and public benefit and use;

(g) To create and maintain a repository for data, studies, research, and other information relating to Puget Sound health in the state, and to encourage the interchange of such information; and



(h) To encourage and provide opportunities for interagency and regional coordination and cooperative efforts between public agencies and between public and private entities involved in the recovery and preservation of Puget Sound.

(4) The executive director shall employ a staff, who shall be state employees under Title 41 RCW. The executive director shall prescribe the duties of the staff as may be necessary to implement the purposes of this chapter.

**NEW SECTION. Sec. 7. COORDINATION BOARD--STRUCTURE--PROCEDURES.** (1) The board shall be the communication and implementation link between the partnership and local entities.

(2) The board shall consist of the following:

(a) One representative from the geographic area of each of the fourteen salmon recovery areas, appointed as provided in this section;

(b) One member of a statewide association representing general business interests, appointed by the council; and

(c) One member of an organization representing the interests of the environmental community, appointed by the council.

(3) In addition, the governor shall invite full participation on the board by three representatives of tribal governments located in the Puget Sound basin.

(4) Representatives designated in subsection (2)(a) of this section shall be appointed by the council; however, at least six of the representatives designated in subsection (2)(a) of this section shall be local public officials elected to their office at the time of their appointment. The council shall solicit nominations from, at a minimum, counties, cities, and watershed groups for appointments made under this subsection.

(5) The board shall elect one of its members as chair, and one of its members as vice-chair.

(6) A majority of the total voting members of the board constitutes a quorum for the transaction of business; however, at least one of the quorum members must be the chair or the vice-chair.

(7) Board decisions and actions require majority vote of all voting board members.

(8)(a) The board shall invite one nonvoting ex officio member from:

(i) Any appropriate state and federal agencies with a role in the environmental management of Puget Sound;

(ii) Each of the two major caucuses of the house of representatives and each of the two major caucuses of the senate, appointed respectively by the speaker of the house of representatives and the president of the senate.

(b) Except for legislative members, nonvoting ex officio members in (a) of this subsection shall be appointed by their respective agencies.

**NEW SECTION. Sec. 8. COORDINATION BOARD--POWERS AND DUTIES.** (1) The board shall offer assistance to cities, counties, ports, tribes, watershed groups, and other governmental and private organizations to:

(a) Communicate details of local plans to the partnership for inclusion, when appropriate, into the action agenda and other regional plans;

(b) Provide feedback from local entities to the council;

(c) Educate the public about the threats to Puget Sound and about local implementation strategies to support the Puget Sound action agenda; and

(d) Ensure that scientific and technical expertise is available to local action agenda implementors.

(2) The board may:

(a) Disseminate regional and basin-wide plans devised by or approved by the partnership, in accordance with the action agenda, to cities, counties, ports, tribes, watershed groups, and other governmental and private organizations;

(b) Recruit the active involvement of local governments, organizations, businesses, and residents within the Puget Sound region in the restoration of Puget Sound;

(c) Identify the capabilities, financial limitations, and regulatory barriers of various cities, counties, ports, tribes, watershed groups, and other governmental and private organizations, and communicate those determinations to the council and to the executive director.

(3) Representatives from each of the fourteen geographic salmon recovery areas on the board shall be the designated board member to solicit input from cities, counties, tribes, and existing watershed groups in their respective salmon recovery areas to identify existing plans within the region that address or affect the health of Puget Sound, including listed species recovery plans, watershed-based resource plans, local government land use plans, and marine resource committee plans.

**NEW SECTION. Sec. 9. PUGET SOUND SCIENCE ADVISORY COMMITTEE.** (1) The council shall create a nine member Puget Sound science advisory committee to advise the council.

(2)(a) In establishing the committee, the council shall request the Washington academy of sciences, created in chapter 70.220 RCW, to nominate fifteen scientists with recognized expertise in fields of science essential to the recovery of Puget Sound.

(b) Scientists nominated by the Washington academy of sciences may represent expertise in fields of science such as water quality, wetland ecology, species recovery, environmental toxicology, geology, ecology, biology, limnology, wildlife management and biology, environmental engineering, hydrology, oceanography, environmental sciences, environmental economics, and social sciences.

(c) At a minimum, the Washington academy of sciences shall consider making nominations from scientists associated with federal and state agencies, the business and environmental communities, members of the K-12, college, and university communities, and members of the board.

(d) Scientists nominated by the Washington academy of sciences must disclose any conflicts of interest.

(3) The committee shall select a chair, who shall serve as a nonvoting ex officio member of the council.

**NEW SECTION. Sec. 10. PUGET SOUND SCIENCE ADVISORY COMMITTEE--FUNCTIONS AND DUTIES.** (1) The committee shall:

(a) Advise the council and the executive director in carrying out the obligations of the partnership;

(b) Assist the council and the executive director in developing and regularly updating or revising the action agenda and, as deemed appropriate by the committee, recommend updates to the action agenda on new scientific information;

(c) Play their designated roles in the development of various science processes, as provided in section 23 of this act;

(d) Assist in the development of the 2020 plan in a manner consistent with the action agenda goals; and

(e) Offer an ecosystem-wide perspective on the science work being competed by the partnership.

(2) The committee should collaborate with other scientific

groups and consult other scientists in conducting its work.

**NEW SECTION. Sec. 11. ACTION AGENDA--VISION.** The action agenda that is to be implemented under this chapter shall strive to achieve the following visions:

- (1) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;
- (2) A quality of human life that is sustained by a functioning Puget Sound ecosystem;
- (3) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;
- (4) A healthy Puget Sound where freshwater, estuary, near shore, marine, and upland habitats are protected, restored, and sustained;
- (5) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;
- (6) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

**NEW SECTION. Sec. 12. ACTION AGENDA--CONFLICTS.** When a state, local, or federal entity identifies a statute, rule, or ordinance that conflicts with the requirements of, or an impediment to the implementation of, the action agenda created in section 13 of this act, the council shall evaluate the merits of the conflict or impediment and make necessary recommendations to the agency, governor, legislature, local government, or other appropriate entity for addressing and resolving the conflict or impediment.

**NEW SECTION. Sec. 13. ACTION AGENDA--DEVELOPMENT.** (1) The council shall develop a science-based action agenda that leads to the recovery of Puget Sound by 2020, reflecting the visions established in section 11 of this act and developed in accordance with this section.

- (2) The action agenda shall:
  - (a) Describe the problems affecting Puget Sound's health using supporting scientific data;
  - (b) Set goals, strategic priorities, and measurable outcomes specifically describing what will be achieved, how it will be quantified, how progress towards outcomes will be measured, and time-bound benchmarks that specify the targeted steps needed to reach a healthy Puget Sound by 2020, consistent with the visions, as provided in section 11 of this act;
  - (c) Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound;
  - (d) Identify the agency, entity, or person responsible for completing the necessary action, and potential sources of funding; and
  - (e) Establish deadlines for the completion of the necessary actions describing where achieving certain goals will require timelines beyond 2020 to achieve;
  - (f) Address all geographic areas of Puget Sound, including upland areas and tributary rivers and streams that affect Puget Sound. Specific action agenda sections may address specific geographic areas of Puget Sound;
  - (g) Include a specific plan or actions to address aquatic rehabilitation zone one, as defined in RCW 90.88.010;
  - (h) Evaluate the effectiveness and efficiency of the overall management system for the improvement and maintenance of the

health of the Puget Sound ecosystem;

- (i) Review, revise as needed, and incorporate as they are developed, the council's ecosystem goals and quantifiable measures;
  - (j) Establish near-term and long-term benchmarks that demonstrate progress in achieving action agenda goals, and that describe how progress will be tracked through clear and quantifiable measures that are included in the action agenda;
  - (k) Integrate, as appropriate, the recovery plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act;
  - (l) Work collaboratively with the Hood Canal coordinating council in chapter 90.88 RCW on Hood Canal-specific issues;
  - (m) Integrate, where appropriate, provisions of water quantity, watershed, marine resource, and other watershed and water quality plans; and
  - (n) Incorporate appropriate actions to carry out the science work plan created in section 23 of this act.
- (3) The partnership shall, when deemed appropriate by the council, incorporate existing watershed plans created by, but not limited to, local governments, watershed groups, and marine and shoreline groups. Watershed plans include:
- (a) Existing watershed projects;
  - (b) Watershed programs;
  - (c) Watershed plans; and
  - (d) Other watershed plans related to water quality, water quantity, or habitat restoration.
- (4) In developing the action agenda and any subsequent revisions, the council shall, when deemed appropriate by the council:
- (a) Incorporate existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies;
  - (b) Consider and use appropriate portions of the Puget Sound water quality management plan existing on the effective date of this section;
  - (c) Involve the committee and the board, including a review of the proposed action agenda or revisions; and
  - (d) Provide opportunity for public review and comment.
- (5) Until the action agenda is adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program described in section 320 of the federal clean water act, until replaced by the action agenda and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.
- (6) After the adoption of the initial action agenda, the council shall revise the action agenda at least every six years using an adaptive management process informed by tracking actions and monitoring results in Puget Sound.
- (7) Action agenda goals shall be determined by the council, and shall be in accordance with the visions, as provided in section 11 of this act.
- (8) The action agenda shall be organized and maintained in a single document to facilitate public accessibility to the plan.
- NEW SECTION. Sec. 14. TECHNICAL ASSISTANCE.** As funds allow, the partnership shall, when requested, provide technical assistance and guidance to local entities and assist local entities to:
- (1) Help prioritize environmental needs and identify environmental research and data gaps;
  - (2) Help identify ways to fund new projects and programs that

narrow environmental research and data gaps;

(3) Advance public understanding, coordinate educational efforts, foster action and results at the community level, and support and coordinate with organizations to provide volunteer opportunities;

(4) Integrate local restoration efforts with basin-wide restoration activities consistent with the action agenda; and

(5) Review, suggest modifications to, implement, measure results of, or provide or identify additional funds, such as grants and loans, to existing programs, projects, plans, and efforts, such as for:

- (a) Local salmon recovery;
- (b) Shoreline restoration and protection;
- (c) Water quality improvement; and
- (d) Water quantity plans.

**NEW SECTION. Sec. 15. DEVELOPMENT OF BIENNIAL BUDGET REQUESTS.** (1) State agencies specifically responsible for implementing elements of the action agenda shall:

(a) Provide to the partnership by June 1st of each even-numbered year their estimates of the actions and the level of effort needed for the forthcoming biennium to implement their portion of the action agenda; and

(b) Work with the partnership in the development of biennial budget requests directly related to achieving consistency with the action agenda to be submitted to the governor for consideration in the governor's biennial budget request. The agencies shall seek the concurrence of the partnership in the proposed funding levels and sources included in this proposed budget.

(2) If a state agency submits an amount different from that developed in subsection (1)(a) of this section as part of its biennial budget request, the partnership and state agency shall jointly identify the differences and the reasons for these differences and present this information to the office of financial management by October 1st of each even-numbered year.

(3) By September 1, 2008, and by September 1st every two years thereafter, the council shall provide to the governor and the appropriate fiscal and policy committees of the house of representatives and senate its recommendations for the funding necessary to implement the action agenda, in order to achieve the 2020 goals of this chapter. The recommendations shall:

(a) Identify funding needs by plan element and identify the time periods in which specific funding is needed;

(b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding;

(c) Assess and evaluate availability of funding from existing sources;

(d) Identify gaps between funding needs and funds available from existing sources; and

(e) Propose and develop a detailed financing strategy to secure stable, long-term, and sufficient dedicated funding throughout the time periods for plan implementation, including proposals for new, broad-based sources of funding that will fill the funding gaps, as identified in this subsection.

(4) The funding recommendation reports, as provided in subsection (3) of this section, must be available to the public before a budget request is made.

**NEW SECTION. Sec. 16. ACTIVITIES OF NONSTATE ENTITIES.** The legislature intends for all local, state, and federal governmental entities to support and help implement the action agenda as adopted by the council. Good cause for a governmental entity's nonconformance exists if there is a lack of legal authority, a conflicting legal authority, or a lack of funding despite documented

good faith efforts taken to obtain necessary funding.

**NEW SECTION. Sec. 17. PUGET SOUND PARTNERS.** (1) All entities that operate in a manner consistent with the intent stated in section 16 of this act may, upon application, be designated by the partnership as a Puget Sound partner.

(2) The council shall, with the advice of the board, determine the standards and criteria that must be satisfied in order for an entity to be designated a Puget Sound partner.

(3) Except for grant preferences specifically designated by the legislature, there shall be no punitive or corrective penalty assessed by the partnership, or any differential treatment given by the partnership, for a city, county, special district, or other governmental entity that is not designated as a Puget Sound partner.

**NEW SECTION. Sec. 18. FUNDING FROM PARTNERSHIP--ACCOUNTABILITY.** (1) Any funding made available directly to the partnership from the Puget Sound recovery account created in section 27 of this act and used by the partnership for grants or funding transfers to other entities shall be prioritized according to the action agenda developed pursuant to section 13 of this act.

(2) The partnership shall condition, with interagency agreements, any grants or funding transfers to other entities to ensure accountability in the expenditure of the funds and to ensure that the funds are used by the recipient entity in the manner determined by the partnership to be the most consistent with the priorities of the action agenda. Any conditions placed on federal funding under this section shall either incorporate, or not run counter to, signed agreements between the entity and the federal government.

(3) If the partnership finds that the provided funding was not used as instructed in the interagency agreement, the partnership may suspend or further condition future funding to the recipient entity.

(4) Any entity directly or indirectly receiving funding from the partnership that is not subject to disclosure under chapter 42.56 RCW must, as a mandatory contractual prerequisite to receiving the funding, agree to disclose any information in regards to that funding as if the entity were subject to the requirements of chapter 42.56 RCW.

**NEW SECTION. Sec. 19. FUNDING--INTERAGENCY AGREEMENTS--PERFORMANCE REQUIREMENTS.** (1)(a) Except as otherwise provided in this section, funds identified by the partnership in section 15 of this act and appropriated in the 2009-2011 biennium and thereafter, in the form of a proviso in the omnibus appropriations act, directly to a state agency other than the partnership specifically for implementation of the action agenda and specifically mentioning the partnership, shall not be expended before an interagency agreement is entered between the partnership and the state agency to which the funds are appropriated.

(b) To avoid delays in expending funds required under this section to be conditional on the execution of an interagency agreement, the partnership shall attempt to provide draft performance agreements at least sixty days before the beginning of the biennium.

(2) The office of financial management may approve expenditure of funds under this section prior to the execution of an interagency agreement, if it determines that accelerating the expenditure would be beneficial to accomplishing the action agenda developed pursuant to section 13 of this act.

**NEW SECTION. Sec. 20. STATE OF THE SOUND REPORT.** (1) The partnership shall submit an initial performance report to the

governor and to the appropriate legislative committees in January 2009, and additional biennial reports, to be known as the state of the Sound report, in September every two years thereafter.

(2) The state of the Sound report shall, when applicable, at a minimum:

(a) Assess progress made by state and nonstate entities towards completion of the action agenda adopted under section 13 of this act;

(b) Assess whether entities that have received state funds for actions related to the action agenda have accomplished the expected results;

(c) Identify instances where entities have been found to be acting in a manner inconsistent with the action agenda, how the actions are inconsistent with the action agenda, and what steps the partnership has taken to encourage conformance with the action agenda;

(d) Identify instances where nonstate entities have refused technical assistance;

(e) Identify recommended changes to statutes identified by the process outlined in section 21 of this act;

(f) Review the expenditure of funds provided to state agencies that are not included in sections 18 and 19 of this act and are used for the implementation of the growth management act, the shoreline management act, storm water permitting, or designated from the toxics control accounts created in RCW 70.105D.070, the public works assistance account created in RCW 43.155.050, the water quality account created in RCW 70.146.030, or environmental mitigation funding from the department of transportation, to determine whether the use of the funds is consistent with the action agenda;

(g) Report any findings arising from the implementation of RCW 90.71.060; and

(h) Identify all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

**NEW SECTION. Sec. 21. BARRIERS TO 2020 SUCCESS.**

(1) The partnership shall, on a schedule determined by the partnership, conduct an investigation into all existing state, local, and federal laws and regulations that limit the ability of the state to restore a healthy Puget Sound by 2020.

(2) The partnership shall make recommendations to the governor and the appropriate committees of the legislature, or other appropriate entities, to sponsor legislation or changes to the Washington Administrative Code or agency or local policy addressing the barriers to successfully fulfilling the vision of the partnership.

**NEW SECTION. Sec. 22. PERFORMANCE AUDIT.** (1) The joint legislative audit and review committee shall conduct a performance audit of the partnership beginning April 1, 2011, and again in April 2016, to be completed within six months of the initiation of the audit and reported a reasonable time thereafter.

(2) The audits shall include, but not be limited to:

(a) A determination of the extent to which funds expended as provided in sections 18 and 19 of this act have contributed to progress toward meeting scientific benchmarks and to the restoration of Puget Sound; and

(b) A determination of the efficiency and effectiveness of the partnership's oversight of action agenda implementation.

(3) If a review under this section determines that there has been insufficient progress toward meeting the benchmarks in a timely manner relative to the 2020 goal or that funds expended have not

achieved expected results, the joint legislative and audit review committee shall include in its report:

(a) Recommendations on how to improve the partnership's efficiency and effectiveness regarding its ability to hold accountable those entities responsible for action agenda results; and

(b) Whether the partnership should be restructured by the 2012 legislature or legislatures thereafter.

(4) The executive director must provide any partnership materials to the joint legislative audit and review committee upon request.

(5) The partnership shall use the reports generated by the joint legislative audit and review committee under this section as a basis for recommended changes to successfully achieve the action agenda goals by 2020.

**NEW SECTION. Sec. 23. SCIENCE PROGRAMS.** (1)(a) The committee, with assistance and staff support provided by the executive director, shall develop a strategic science program.

(b) The strategic science program may include:

(i) Continuation of the Puget Sound assessment and monitoring program, as provided in RCW 90.71.060, as well as other monitoring programs deemed appropriate by the executive director; and

(ii) Development of a monitoring program, in addition to the provisions of RCW 90.71.060, including baselines, protocols, guidelines, and quantifiable performance measures, to be recommended as an element of the action agenda.

(2)(a) The committee, with assistance and staff support provided by the executive director, shall develop a Puget Sound science update, with the initial update submitted by April 2010, with subsequent updates occurring as necessary to reflect new scientific understandings.

(b) The update shall:

(i) Describe the current scientific understanding of various physical attributes of Puget Sound;

(ii) Serve as the scientific basis for the selection of environmental indicators measuring the health of Puget Sound; and

(iii) Serve as the scientific basis for the status and trends of those environmental indicators within an ecosystem framework.

(c) The executive director shall submit the Puget Sound science update to the Washington academy of sciences, to the governor, and to the appropriate legislative committees, and include a summary of information in existing updates, as well as changes adopted in subsequent updates, in the state of the Sound reports produced pursuant to section 20 of this act.

(3)(a) The committee, with assistance and staff support provided by the executive director, shall develop a biennial science work plan, with advice, provided by the council.

(b) The biennial science work plan shall include, at a minimum:

(i) Identification of recommendations from scientific and technical reports relating to Puget Sound;

(ii) A description of the Puget Sound science-related activities being conducted by various entities in the region, including studies, models, monitoring, research, and other appropriate activities;

(iii) A description of whether the ongoing work addresses the recommendations and, if not, identification of necessary actions to fill gaps;

(iv) Identification of specific biennial science work actions to be done over the course of the work plan, and how these actions address science needs in Puget Sound;

(v) Recommendations for improvements to the ongoing science work in Puget Sound;

(vi) The identification of appropriate recommendations from

scientific and technical reports relating to Puget Sound; and

(vii) A description of the Puget Sound science-related activities being conducted by various entities in the Puget Sound region, including models, research, and other appropriate activities.

(4) Both the strategic science program and the biennial science work plan may not become official documents until a majority of the members of the council vote for their adoption.

**NEW SECTION. Sec. 24. BASIN-WIDE RESTORATION PROGRESS.** (1) Upon the request of the executive director, and subject to available funding, the Washington academy of sciences shall conduct an assessment of basin-wide restoration progress. The assessment shall include, but not be limited to a determination of the extent to which implementation of the action agenda is making progress toward the action agenda goals, and a determination of whether the environmental indicators and benchmarks included in the action agenda accurately measure and reflect progress toward the action agenda goals.

(2) The partnership shall use the assessment, as provided in this section, as a basis for recommended changes to successfully achieve the action agenda goals by 2020. Recommended changes may include, but are not limited to:

- (a) The action agenda;
- (b) The environmental indicators, as provided in this section; and
- (c) Budget requests to the governor and legislature.

**Sec. 25.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read as follows:

In addition to other powers and duties specified in this chapter, the ~~((action team shall ensure))~~ council, in coordination with the committee, may guide the implementation and coordination of ((the)) a Puget Sound ambient monitoring program ((established in the Puget Sound management plan. The program shall)). Elements of the program should include, at a minimum:

(1) A research program, including but not limited to methods to provide current research information to managers and scientists, and to establish priorities based on the ~~((needs of the action team))~~ action agenda;

(2) A monitoring program, including baselines, protocols, guidelines, and quantifiable performance measures. In consultation with state agencies, local and tribal governments, and other public and private interests, the ~~((action team))~~ partnership shall develop and track quantifiable performance measures that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources. ~~((The performance measures shall be developed by June 30, 1997.))~~ The performance measures shall include, but not be limited to a methodology to track the progress of: Fish and wildlife habitat; sites with sediment contamination; wetlands; shellfish beds; and other key indicators of Puget Sound health. State agencies shall assist the action team in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area.

(3) Any results arising from the implementation of this section shall be included in the state of the Sound report prepared pursuant to section 20 of this act.

**NEW SECTION. Sec. 26. ACCOUNTABILITY.** (1) The council shall be accountable for achieving the action agenda.

(2) The council, with assistance from the committee or from the

Washington academy of sciences created in chapter 70.220 RCW, shall identify environmental indicators that accurately measure success of the action agenda goals.

(3) The council is responsible for measuring the environmental indicators, as provided in subsection (2) of this section, and shall report the results in the Puget Sound science update, as provided in section 23 of this act.

(4) The council shall, as deemed appropriate by the council, apply accountability measures consistent with the assessment in RCW 43.17.385 to all levels of government and to any entity with responsibilities under the action agenda, including itself, to determine compliance with the action agenda and achievement of the results expected.

(5) The council shall work with the board to develop accountability measures for any entity having responsibilities under the action agenda, to determine compliance with the action agenda, and achievement of the results expected. The council or the board shall also work with the entities themselves to identify additional accountability measures, including positive incentives and consequences for inaction.

**NEW SECTION. Sec. 27. PUGET SOUND RECOVERY ACCOUNT.** The Puget Sound recovery account is created in the state treasury. All moneys appropriated to the Puget Sound partnership for state and nonstate entity plan implementation activities shall be deposited into the account. Grants, gifts, or other financial assistance received by the Puget Sound partnership from nonstate sources for the purposes of recovering Puget Sound may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of implementing the action agenda.

**NEW SECTION. Sec. 28. AUTHORITIES.** (1) The partnership shall not have regulatory authority nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(2)(a) No action of the partnership may create a mandatory duty applicable to the review or approval of any permits or the adoption of any plans relating to an entity that is not the partnership.

(b) The partnership may not take actions that qualify an agency action, as that term is defined in RCW 34.05.010.

(c) No action of the partnership may alter the forest practices rules adopted pursuant to chapter 76.09 RCW, or any associated habitat conservation plan; however, the council may use habitat conservation plans based on the forest practices rules as a model for developing the action agenda. Any changes in forest practices identified by the processes established in this chapter as necessary to fully recover the health of Puget Sound by 2020 may only be realized through the processes established in RCW 76.09.370 and other designated processes established in Title 76 RCW.

(3) State and local governments shall retain their own decision-making authority in implementing the action agenda consistent with current law.

**NEW SECTION. Sec. 29. COMPENSATION AND REIMBURSEMENT.** (1) Members of the council, including nonvoting ex officio members, shall be compensated in accordance with RCW 43.03.220 and be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(2) The salary of the executive director shall be set by the governor.

(3) Members of the board, including nonvoting ex officio members, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) Members of the committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, and based upon the availability of funds, the council may contract with members of the committee for compensation for their services under chapter 39.29 RCW. If appointees to the committee are employed by the federal, tribal, state, or local governments, the council may enter into interagency personnel agreements.

**NEW SECTION. Sec. 30. TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM.** (1) The Puget Sound action team is hereby abolished and its powers, duties, and functions are hereby transferred to the Puget Sound partnership as consistent with this chapter. All references to the chair or the Puget Sound action team in the Revised Code of Washington shall be construed to mean the executive director or the Puget Sound partnership.

(2)(a) All employees of the Puget Sound action team are transferred to the jurisdiction of the Puget Sound partnership.

(b) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Puget Sound action team shall be delivered to the custody of the Puget Sound partnership. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the Puget Sound action team shall be made available to the Puget Sound partnership. All funds, credits, or other assets held by the Puget Sound action team shall be assigned to the Puget Sound partnership.

(c) Any appropriations made to the Puget Sound action team shall, on the effective date of this section, be transferred and credited to the Puget Sound partnership.

(d) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the Puget Sound action team shall be continued and acted upon by the Puget Sound partnership. All existing contracts and obligations shall remain in full force and shall be performed by the Puget Sound partnership.

(4) The transfer of the powers, duties, functions, and personnel of the Puget Sound action team shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

**NEW SECTION. Sec. 31. CAPTIONS NOT LAW.** Captions used in this chapter are not any part of the law.

**Sec. 32.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read as follows:

(1)(a) The ~~((action team))~~ department of health shall ~~((establish a))~~ manage the established shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The ~~((action team))~~ department of health shall provide funds to local health jurisdictions to be used as grants or loans to individuals for improving their on-site sewage systems. The grants or loans may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas.

(b) A recipient of a grant or loan shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction.

(c) The ~~((action team))~~ department of health shall work closely with local health jurisdictions and ~~((shall endeavor))~~ it shall be the goal of the department of health to attain geographic equity between Grays Harbor, Willapa Bay, and ((the)) Puget Sound when making funds available under this program.

(d) For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants or loans at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In ~~((the))~~ Puget Sound, the ~~((action team))~~ department of health shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; or

(b) Included within a shellfish protection district under chapter 90.72 RCW.

(3) In Grays Harbor and Pacific counties, the ~~((action team))~~ department of health shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The ~~((action team))~~ department of health and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The ~~((action team))~~ department of health may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

(6) ~~((For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present))~~ As part of the grant program created in this section, the department of health may use any unexpended and unobligated funds from the oyster reserve land account, created in RCW 77.60.160, that are remaining after the implementation of subsection (1) of this section to fund research projects related to oyster reserves. The department shall select research projects in consultation with the department of fish and wildlife and the appropriate reserve advisory committee created in RCW 77.60.150(2).

**NEW SECTION. Sec. 33.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff.

**Sec. 34.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, ~~((and))~~ (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

**Sec. 35.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, ~~((and))~~ (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 36.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor

and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, ~~((personnel appeals board,))~~ board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

**Sec. 37.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon

recovery organization for Puget Sound salmon species, except for program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

**Sec. 38.** RCW 70.220.040 and 2005 c 305 s 4 are each amended to read as follows:

(1) The academy shall investigate, examine, and report on any subject of science requested by the governor, the governor's designee, the executive director of the Puget Sound partnership, or the legislature. The procedures for selecting panels of experts to respond to such requests shall be set forth in the bylaws or other appropriate operating guidelines. In forming review panels, the academy shall endeavor to assure that the panel members have no conflicts of interest and that proposed panelists first disclose any advocacy positions or financial interest related to the questions to be addressed by the panel that the candidate has held within the past ten years.

(2) The governor shall provide funding to the academy for the actual expense of such investigation, examination, and reports. Such funding shall be in addition to state funding assistance to the academy in its initial years of operation as described in RCW 70.220.060.

**Sec. 39.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with

assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by section 40 of this act, whether the entity receiving assistance is designated as a Puget Sound partner, as that term is defined in RCW 90.71.010;

(c) Whether the project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

~~((c))~~ (e) The cost of the project compared to the size of the local government and amount of loan money available;

~~((d))~~ (f) The number of communities served by or funding the project;

~~((e))~~ (g) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((f))~~ (h) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((g))~~ (i) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((h))~~ (j) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1<sup>st</sup> of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.



(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 40.** A new section is added to chapter 43.155 RCW to read as follows:

In developing a priority process for public works projects under RCW 43.155.070, the board shall give preferences only to Puget Sound partners, as defined in RCW 90.71.010, over other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 41.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by section 40 of this act, whether the entity receiving assistance is designated as a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act;

(g) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

~~((f))~~ (h) The recommendations of the Puget Sound (action team) partnership created in section 3 of this act and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time

periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 42.** A new section is added to chapter 70.146 RCW to read as follows:

When making grants or loans for water pollution control facilities under RCW 70.146.070, the department shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 43.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

~~(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications(;;); and ((the commission shall utilize))~~

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental ((benefit[s] in its grant prioritization and selection process:)) benefits;

(ii) Whether, except as conditioned by section 44 of this act, the applicant is designated as a Puget Sound partner, as defined in RCW 90.71.010; and

(iii) Whether the project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act.

~~(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program.~~

(b) The commission shall work with the districts to develop uniform performance measures across participating districts(;;); and to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

**NEW SECTION. Sec. 44.** A new section is added to chapter 89.08 RCW to read as follows:

When administering water quality and habitat protection grants under this chapter, the commission shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or

for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 45.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup

of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment. ~~((For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel.))~~

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is designated as a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act, shall, except as conditioned by section 46 of this act, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. ~~((During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.~~

~~—(b))~~ (c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are not in conflict with the action agenda adopted by the Puget Sound partnership under section

13 of this act.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

**NEW SECTION. Sec. 46.** A new section is added to chapter 70.105D RCW to read as follows:

When administering funds under this chapter, the department shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 47.** RCW 79.105.150 and 2005 c 518 s 946 and 2005 c 155 s 121 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects.

(2) In providing grants for aquatic lands enhancement projects, the ~~((department))~~ interagency committee for outdoor recreation shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications~~((and the department shall))~~;

(b) Utilize the statement of environmental benefits, consideration, except as provided in section 48 of this act, of whether the applicant is designated as a Puget Sound partner, as defined in RCW 90.71.010, and whether a project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act, in its prioritization and selection process~~((The department shall also))~~; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

~~((3) During the fiscal biennium ending June 30, 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.))~~ (5) After January 1, 2010, any project designed to address the effects of restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 48.** A new section is added to chapter 79.105 RCW to read as follows:

When administering funds under this chapter, the interagency committee for outdoor recreation shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 49.** RCW 79A.15.040 and 2005 c 303 s 3 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for natural areas projects under subsection (1)(b) of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

(6)(a) Except as otherwise conditioned by section 50 of this act, the committee shall consider the following in determining distribution priority:

(i) Whether the entity applying for funding is designated as a Puget Sound partner, as that term is defined in RCW 90.71.010; and

(ii) Whether the project is included in the action agenda adopted by the Puget Sound partnership under section 13 of this act.

(7) After January 1, 2010, any project designed to address the effects of restoration of Puget Sound may be funded under this

chapter only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 50.** A new section is added to chapter 79A.15 RCW to read as follows:

When administering funds under this chapter, the committee shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 51.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and 2005 c 257 s 3 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat; ~~((and))~~

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding;

(vi) Are, except as provided in section 52 of this act, sponsored by an entity that is designated as a Puget Sound partner, as that term is defined in RCW 90.71.010; and

(vii) Are projects included in the action agenda adopted by the Puget Sound partnership under section 13 of this act.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation; ~~((and))~~

(iv) Involve members of the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a statewide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block

grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) After January 1, 2010, any project designed to address the effects of restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda adopted by the Puget Sound partnership under section 13 of this act.

**NEW SECTION. Sec. 52.** A new section is added to chapter 77.85 RCW to read as follows:

When administering funds under this chapter, the board shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be designated as Puget Sound partners under chapter 90.71 RCW. Entities that are not eligible to be a Puget Sound partner, due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

**Sec. 53.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read as follows:

(1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich

source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance in this state.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds that this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state agency known as the Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature also finds numerous public, private, and community organizations are working to provide public education and identify potential solutions. The legislature recognizes that, while some information and research is now available and some potential solutions have been identified, more research and analysis is needed to fully develop a program to address Hood Canal's low-dissolved oxygen concentrations.

(4) The legislature finds a need exists for the state to take action to address Hood Canal's low-dissolved oxygen concentrations. The legislature also finds establishing an aquatic rehabilitation zone for Hood Canal will serve as a statutory framework for future regulations and programs directed at recovery of this important aquatic resource.

(5) The legislature therefore intends to establish an aquatic rehabilitation zone for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. The legislature also intends to incorporate provisions in the new statutory chapter creating the designation as solutions are identified regarding this problem.

**Sec. 54.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read as follows:

(1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

(4) The Puget Sound (~~(action team)~~) partnership and the Hood Canal coordinating council must each approve and must comanage projects under the rehabilitation program authorized in this section.

**Sec. 55.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read as follows:

(1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to RCW 90.88.020. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in RCW 90.88.020 and when establishing funding criteria according

to subsection (7) of this section, the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and the local management board shall solicit participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The local management board also may appoint technical advisory committees as needed.

(3) The local management board and the Puget Sound (~~(action team)~~) partnership shall participate in the development of the program authorized under RCW 90.88.020.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound (~~(action team)~~) partnership each may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound (~~(action team)~~) partnership and the local management board shall jointly coordinate a process to prioritize projects, studies, and activities for which the Puget Sound (~~(action team)~~) partnership receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound (~~(action team)~~) partnership shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. Final approval for projects under this section requires the consent of both the Puget Sound (~~(action team)~~) partnership and the local management board. Projects under this section must be comanaged by the Puget Sound (~~(action team)~~) partnership and the local management board. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to RCW 90.88.020 to the appropriate committees of the legislature.

**Sec. 56.** RCW 90.88.901 and 2005 c 479 s 5 are each amended

to read as follows:

Nothing in chapter 479, Laws of 2005 provides any regulatory authority to the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, or the Hood Canal coordinating council.

**Sec. 57.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read as follows:

The activities of the Puget Sound (~~(action team)~~) partnership, created in section 3 of this act, and the Hood Canal coordinating council required by chapter 479, Laws of 2005 are subject to the availability of amounts appropriated for this specific purpose.

**Sec. 58.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound (~~(water quality authority)~~) partnership, created in section 3 of this act. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a

continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

**Sec. 59.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to read as follows:

The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound (~~(action team)~~) partnership shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

**Sec. 60.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to read as follows:

The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound (~~(action team)~~) partnership.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound (~~(action team's)~~) partnership's water quality work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature

declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

**Sec. 61.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to read as follows:

The legislature finds that the department provides, manages, and monitors aquatic land dredged material disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors, and shipping lanes. These disposal sites are approved through a cooperative planning process by the departments of natural resources and ecology, the United States army corps of engineers, and the United States environmental protection agency in cooperation with the Puget Sound ((~~action team~~)) partnership. These disposal sites are essential to the commerce and well-being of the citizens of the state of Washington. Management and environmental monitoring of these sites are necessary to protect environmental quality and to assure appropriate use of state-owned aquatic lands. The creation of an aquatic land dredged material disposal site account is a reasonable means to enable and facilitate proper management and environmental monitoring of these disposal sites.

**Sec. 62.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read as follows:

(1) The aquatic nuisance species committee is created for the purpose of fostering state, federal, tribal, and private cooperation on aquatic nuisance species issues. The mission of the committee is to minimize the unauthorized or accidental introduction of nonnative aquatic species and give special emphasis to preventing the introduction and spread of aquatic nuisance species. The term "aquatic nuisance species" means a nonnative aquatic plant or animal species that threatens the diversity or abundance of native species, the ecological stability of infested waters, or commercial, agricultural, or recreational activities dependent on such waters.

(2) The committee consists of representatives from each of the following state agencies: Department of fish and wildlife, department of ecology, department of agriculture, department of health, department of natural resources, Puget Sound ((~~water quality action team~~)) partnership, state patrol, state noxious weed control board, and Washington sea grant program. The committee shall encourage and solicit participation by: Federally recognized tribes of Washington, federal agencies, Washington conservation organizations, environmental groups, and representatives from industries that may either be affected by the introduction of an aquatic nuisance species or that may serve as a pathway for their introduction.

(3) The committee has the following duties:

(a) Periodically revise the state of Washington aquatic nuisance species management plan, originally published in June 1998;

(b) Make recommendations to the legislature on statutory provisions for classifying and regulating aquatic nuisance species;

(c) Recommend to the state noxious weed control board that a plant be classified under the process designated by RCW 17.10.080 as an aquatic noxious weed;

(d) Coordinate education, research, regulatory authorities, monitoring and control programs, and participate in regional and national efforts regarding aquatic nuisance species;

(e) Consult with representatives from industries and other activities that may serve as a pathway for the introduction of aquatic nuisance species to develop practical strategies that will minimize the risk of new introductions; and

(f) Prepare a biennial report to the legislature with the first report due by December 1, 2001, making recommendations for better

accomplishing the purposes of this chapter, and listing the accomplishments of this chapter to date.

(4) The committee shall accomplish its duties through the authority and cooperation of its member agencies. Implementation of all plans and programs developed by the committee shall be through the member agencies and other cooperating organizations.

**Sec. 63.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(f) The recommendations of the Puget Sound ((~~action team~~)) partnership, created in section 3 of this act, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

**Sec. 64.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to read as follows:

The department may not use funds appropriated to implement an element of the Puget Sound ((~~water quality authority plan~~)) partnership action agenda to conduct any activity required under chapter 281, Laws of 1994.

**Sec. 65.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to read as follows:

(1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter 516, Laws of 1993. The task force shall consist of the commissioner of public lands, the director of the department of fish and wildlife, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget Sound ((water quality authority)) partnership, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community, trade, and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in RCW 43.21J.040, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with RCW 43.21J.040; and

(c) To determine funding allocations for projects to be funded from the account created in RCW 43.21J.020 and for projects or programs as designated in the omnibus operating and capital appropriations acts.

**Sec. 66.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to read as follows:

(1) Subject to the limitations of RCW 43.21J.020, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy

objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after July 1, 1993:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to rules adopted by the agency then known as the Puget Sound water quality authority ((rules adopted)) for local planning and management of nonpoint source pollution;

(b) Conservation district projects that provide water quality and habitat improvements;

(c) Indian tribe projects that provide water quality and habitat improvements; or

(d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(3) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

**Sec. 67.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to read as follows:

(1) The sea grant and cooperative extension shall jointly administer a program to provide field agents to work with local governments, property owners, and the general public to increase the propagation of shellfish, and to address Puget Sound water quality problems within Kitsap, Mason, and Jefferson counties that may limit shellfish propagation potential. The sea grant and cooperative extension shall each make available the services of no less than two agents within these counties for the purposes of this section.

(2) The responsibilities of the field agents shall include but not be limited to the following:

(a) Provide technical assistance to property owners, marine industry owners and operators, and others, regarding methods and practices to address nonpoint and point sources of pollution of Puget Sound;

(b) Provide technical assistance to address water quality problems limiting opportunities for enhancing the recreational harvest of shellfish;

(c) Provide technical assistance in the management and increased production of shellfish to facility operators or to those



interested in establishing an operation;

(d) Assist local governments to develop and implement education and public involvement activities related to Puget Sound water quality;

(e) Assist in coordinating local water quality programs with region-wide and statewide programs;

(f) Provide information and assistance to local watershed committees.

(3) The sea grant and cooperative extension shall mutually coordinate their field agent activities to avoid duplicative efforts and to ensure that the full range of responsibilities under RCW 28B.30.632 through 28B.30.636 are carried out. They shall consult with the Puget Sound ~~((water quality authority))~~ partnership, created in section 3 of this act, and ensure consistency with ~~((the authority's))~~ any of the Puget Sound partnership's water quality management plans.

(4) Recognizing the special expertise of both agencies, the sea grant and cooperative extension shall cooperate to divide their activities as follows:

(a) Sea grant shall have primary responsibility to address water quality issues related to activities within Puget Sound, and to provide assistance regarding the management and improvement of shellfish production; and

(b) Cooperative extension shall have primary responsibility to address upland and freshwater activities affecting Puget Sound water quality and associated watersheds.

**NEW SECTION. Sec. 68.** RCW 90.71.902 and 90.71.903 are each decodified.

**NEW SECTION. Sec. 69.** RCW 90.71.100 is recodified as a new section in chapter 70.118 RCW.

**NEW SECTION. Sec. 70.** The following acts or parts of acts are each repealed:

(3) RCW 90.71.005 (Findings) and 1998 c 246 s 13 & 1996 c 138 s 1;

(4) RCW 90.71.015 (Environmental excellence program agreements--Effect on chapter) and 1997 c 381 s 30;

(5) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 & 1996 c 138 s 3;

(6) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996 c 138 s 4;

(7) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;

(8) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s 6;

(9) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;

(10) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;

(11) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15; and

(12) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

**NEW SECTION. Sec. 71. ONE-TIME RESPONSIBILITIES.**  
(1) The following one-time reports, studies, and actions must be completed as assigned in this section:

(a) By October 1, 2007, the initial appointments to the board must be completed, as provided in section 7 of this act.

(b) By November 1, 2007, the committee shall be established, as provided in section 9 of this act.

(c) By November 15, 2008, the council shall complete its first review of its governmental and organizational effectiveness, as

provided in section 5 of this act.

(d) By April 15, 2008, the committee shall recommend to the council suggested environmental indicators and time-bound benchmarks to meet the goal of recovering Puget Sound by the year 2020.

(e) By September 1, 2008, the council shall adopt the initial action agenda.

(f) By September 20, 2008, the partnership shall develop and submit to the legislature recommendations to enhance and phase-in local government accountability measures, consistent with section 26 of this act.

(g) By September 2008, the coordination board shall advise the council and the executive director on how to incorporate local plans and projects into a Sound-wide set of activities that can be incorporated into the action agenda. The board shall also recommend priorities for local activities based on their contribution to Puget Sound health. During the development of the priorities, the board shall hold public meetings in various parts of Puget Sound to solicit public comments.

(2) The definitions in RCW 90.71.010 apply to this section.

**NEW SECTION. Sec. 72.** Sections 3 through 24 and 26 through 31 of this act are each added to chapter 90.71 RCW."

Correct the title.

Representative Condotta moved the adoption of amendment (252) to amendment (224):

On page 10, line 29 of the amendment, after "data" insert ", and provide a historical analysis of the environmental health conditions of Puget Sound so as to determine past levels of pollution and restorative actions that have established the current health conditions of Puget Sound"

Representative Condotta and Upthegrove spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Sump moved the adoption of amendment (253) to amendment (224):

On page 12, line 31 of the amendment, strike "TECHNICAL ASSISTANCE" and insert "LOCAL SUPPORT"

On page 12, line 32 of the amendment, strike "provide technical assistance and" and insert "support and provide nonregulatory"

Representatives Sump and Upthegrove spoke in favor of the adoption of the amendment to amendment (224).

The amendment to the amendment was adopted.

Representative Kristiansen moved the adoption of amendment (247) to amendment (224):

On page 14, beginning on line 18 of the amendment, after "for all" strike "local, state, and federal governmental entities" and insert "governmental entities, including state agencies, cities, counties,

ports, special purpose districts, and other governmental entities"

On page 14, beginning on line 20 of the amendment, after "cause for" strike "a governmental entity's nonconformance exists if there is" and insert "nonconformance by a governmental entity exists if there is proper exercise of discretion with current law or in determining"

Representatives Kristiansen and Upthegrove spoke in favor of the adoption of the amendment to amendment (224).

The amendment to the amendment was adopted.

Representative Eickmeyer moved the adoption of amendment (245) to amendment (224):

On page 17, line 7 of the amendment, after "2020" insert ", and investigate human activities involving the removal of flora and fauna from the Hood Canal and Puget Sound, such as harvest practices and other activities that lead to a loss of biomass, that have a potential effect on the ecological balance and overall health of marine waters"

Representatives Eickmeyer and Sump spoke in favor of the adoption of the amendment to amendment (224).

The amendment to the amendment was adopted.

Representative Upthegrove moved the adoption of amendment (246) to amendment (224):

On page 39, line 37 of the amendment, strike "effects of"

On page 41, line 28 of the amendment, strike "effects of"

On page 44, line 18 of the amendment, strike "effects of"

Representatives Upthegrove and Sump spoke in favor of the adoption of the amendment to amendment (224).

The amendment to the amendment was adopted.

The question before the House was adoption of amendment (224) as amended.

Representatives Upthegrove and Sump spoke in favor of the adoption of amendment (224) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed

Second Substitute House Bill No. 1374.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1374 and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Alexander, Armstrong, Buri, Condotta, Crouse, Curtis, DeBolt, Dunn, Hailey, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Ross, Schindler and Warnick - 19.

Excused: Representative Skinner - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1374, having received the necessary constitutional majority, was declared passed.

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

### INTRODUCTION & FIRST READING

SB 5036 by Senators Eide, Weinstein, Brown, Rockefeller, Regala, Fraser, Murray, Berkey, Kauffman, Jacobsen, Keiser, Haugen, Rasmussen, Shin, Tom and Kohl-Welles

AN ACT Relating to repealing the application of the sunset act to the intermediate driver's license program; and repealing RCW 43.131.397 and 43.131.398.

Referred to Committee on Transportation.

SB 5086 by Senators Haugen, Swecker and Murray

AN ACT Relating to increasing the population threshold for state highway maintenance responsibility in cities and towns; and amending RCW 47.24.020.

Referred to Committee on Transportation.

2SSB 5090 by Senate Committee on Ways & Means

(originally sponsored by Senators Kastama, Shin, Franklin, Kilmer, Marr, Kauffman, Murray and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to innovation partnership zones; adding new sections to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

2SSB 5092 by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Brown, Kilmer, Kauffman, Murray, Shin and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to contracts with associate development organizations for economic development services; amending RCW 43.330.080; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

SSB 5171 by Senate Committee on Transportation (originally sponsored by Senators Schoesler, Pridemore, Fairley, McAuliffe, Shin, Prentice, Sheldon, Franklin, Kline and Rasmussen; by request of Select Committee on Pension Policy)

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5174 by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore and Schoesler; by request of Select Committee on Pension Policy)

AN ACT Relating to corrections in the public retirement systems; amending RCW 41.04.410, 41.04.440, 41.04.445, 41.04.450, 41.05.320, 41.24.400, 41.26.080, 41.26.195, 41.31A.020, 41.37.010, and 41.45.203; reenacting and amending RCW 6.15.020; and creating a new section.

Referred to Committee on Appropriations.

SSB 5190 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin and Shin)

AN ACT Relating to the collection of legal financial

obligations; amending RCW 72.09.480; and reenacting and amending RCW 70.58.107.

Referred to Committee on Judiciary.

SB 5199 by Senators Berkey, Prentice, Benton, Hobbs, Hatfield, Schoesler, Parlette, Franklin and Keiser; by request of Department of Financial Institutions

AN ACT Relating to adding enforcement provisions regarding fraud, deception, and unlicensed internet lending to the chapter governing check cashers and sellers; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

ESB 5204 by Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton; by request of Department of Agriculture

AN ACT Relating to the enforcement of animal health laws; amending RCW 16.36.050, 16.36.010, 20.01.610, and 20.01.380; adding new sections to chapter 16.36 RCW; recodifying RCW 16.36.092; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SSB 5228 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin and Weinstein; by request of Attorney General)

AN ACT Relating to actions under chapter 19.86 RCW, the consumer protection act; amending RCW 19.86.080 and 19.86.090; and declaring an emergency.

Referred to Committee on Judiciary.

SSB 5243 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove, McAuliffe, Stevens, Rasmussen, Shin and Roach; by request of Department of Social and Health Services)

AN ACT Relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration; amending RCW 13.40.210; and prescribing penalties.

Referred to Committee on Human Services.

ESB 5251 by Senators Kohl-Welles, Clements, Hobbs, Parlette, Pridemore and Hatfield

AN ACT Relating to the term of existence of a collective bargaining agreement; and amending RCW 41.56.070 and 41.56.070.

Referred to Committee on Commerce & Labor.

SB 5260 by Senators Jacobsen and Morton; by request of Parks and Recreation Commission

AN ACT Relating to park passes; and amending RCW 79A.05.065.

Referred to Committee on Agriculture & Natural Resources.

SB 5264 by Senators Haugen and Swecker; by request of Transportation Commission

AN ACT Relating to naming or renaming state transportation facilities; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

ESSB 5269 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Delvin, Kauffman, Roach, Franklin, Rasmussen, Kohl-Welles, Sheldon, Marr, Murray, Oemig, Jacobsen, Rockefeller, Shin and Kilmer)

AN ACT Relating to establishing the first peoples' language and culture teacher certification program; amending RCW 28A.415.020; adding a new section to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

SB 5272 by Senators Haugen and Sheldon; by request of Department of Licensing

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.025, 82.36.026, 82.36.027, 82.36.029, 82.36.031, 82.36.035, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.090, 82.38.100, 82.38.110, 82.38.130, 82.38.140, 82.38.150, 82.38.160, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; repealing RCW 82.36.042, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.185, 82.38.285, and 82.38.165; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 5297 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Haugen, Tom, Prentice, Keiser, Pridemore, Murray, Regala, Fraser, Kilmer, Rockefeller, McAuliffe, Shin, Weinstein, Kline, Marr, Kohl-Welles and Oemig)

AN ACT Relating to providing medically and scientifically accurate sexual health education in schools; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 5340 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Swecker, Fairley, Kohl-Welles, Shin, Pridemore, McAuliffe, Regala, Murray, Spanel, Franklin, Rockefeller, Kauffman and Keiser)

AN ACT Relating to the definition of disability in the Washington law against discrimination, chapter 49.60 RCW; amending RCW 49.60.040; and creating new sections.

Referred to Committee on Judiciary.

SB 5351 by Senators Kline and Spanel; by request of Court Of Appeals

AN ACT Relating to the court of appeals; amending RCW 2.06.040; and adding a new section to chapter 2.06 RCW.

Referred to Committee on Appropriations.

SB 5384 by Senators Fraser, Shin, Brandland, Delvin, Murray, Tom and Kohl-Welles; by request of University of Washington

AN ACT Relating to the University of Washington's and Washington State University's local borrowing authority; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

ESB 5385 by Senators Shin, Jacobsen, Schoesler, Rockefeller, Delvin, Tom and Kohl-Welles; by request of Washington State Higher Education Facilities Authority

AN ACT Relating to authorizing the Washington higher education facilities authority to originate and purchase educational loans and to issue student loan revenue bonds;

amending RCW 28B.07.030; adding new sections to chapter 28B.07 RCW; and creating new sections.

Referred to Committee on Higher Education.

ESB 5401 by Senators Rasmussen, Swecker, Shin, Schoesler and Hatfield

AN ACT Relating to Christmas tree grower licensure; amending RCW 15.13.250, 15.13.260, 15.13.265, 15.13.270, 15.13.340, 15.13.370, 15.13.390, 15.13.400, 15.13.420, 15.13.430, 15.13.440, 15.13.455, 15.13.470, and 15.13.490; adding new sections to chapter 15.13 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5405 by Senate Committee on Judiciary (originally sponsored by Senators Carrell, Kline and McCaslin)

AN ACT Relating to judicial orders concerning distraint of personal property; and amending RCW 6.17.160.

Referred to Committee on Judiciary.

SSB 5461 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Fraser, Hatfield, Hargrove, Benton, Sheldon and Rasmussen; by request of Department of Natural Resources)

AN ACT Relating to continuing the use of contract harvesting for improving forest health on Washington state trust lands; amending RCW 79.15.540; creating a new section; and repealing 2004 c 218 s 10 (uncodified).

Referred to Committee on Agriculture & Natural Resources.

SSB 5463 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Rockefeller, Morton, Shin and Rasmussen; by request of Department of Natural Resources)

AN ACT Relating to forest fire protection assessments; and amending RCW 76.04.610.

Referred to Committee on Agriculture & Natural Resources.

SB 5468 by Senators Oemig, Zarelli, Regala and Schoesler; by request of Department of Revenue

AN ACT Relating to the administration of tax programs administered by the department of revenue; amending RCW 82.16.120, 82.24.120, 82.24.135, 82.24.280, 82.32.033, 82.32.050, 82.32.100, 82.32.130, 82.32.140, 82.32.160, 82.32.170, 82.45.100, 84.12.260, 84.16.036, 84.36.815, 84.36.820, 84.36.825, 84.36.830, and 84.36.840; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Finance.

SB 5469 by Senators Prentice, Parlette, Franklin, Benton, Hobbs, Keiser and Schoesler

AN ACT Relating to pawnbrokers; and amending RCW 19.60.060 and 19.60.061.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5472 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kastama, Holmquist, Rasmussen, Regala, Marr, Carrell, Hargrove, Roach, Jacobsen, Kilmer, Sheldon, Swecker, Shin, Franklin, Clements and Keiser)

AN ACT Relating to a pilot program for family counseling; creating a new section; and making an appropriation.

Referred to Committee on .

SSB 5483 by Senate Committee on Transportation (originally sponsored by Senators Kauffman, Holmquist, Haugen, Clements, Rasmussen and Shin; by request of Transportation Improvement Board)

AN ACT Relating to retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance; amending RCW 47.26.080, 47.26.164, and 47.26.340; and reenacting and amending RCW 46.68.110.

Referred to Committee on Transportation.

SB 5512 by Senators Kilmer, Regala, Hobbs, Eide, Pridemore and Rasmussen

AN ACT Relating to financing for hospital benefit zones; amending RCW 39.100.010, 39.100.020, 39.100.030, 39.100.040, 39.100.050, 82.14.465, 82.14.470, and 82.32.700; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

SB 5525 by Senators Oemig, Swecker and Regala

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

Referred to Committee on Local Government.

SSB 5560 by Senate Committee on Ways & Means (originally sponsored by Senators Schoesler, Zarelli, Regala and Prentice; by request of Department of Revenue)

AN ACT Relating to making changes of a technical nature to laws relating to taxes or tax programs, administered by the department of revenue; amending RCW 76.09.405, 82.04.250, 82.04.261, 82.04.294, 82.04.4281, 82.04.440, 82.04.4461, 82.04.4462, 82.04.530, 82.08.02745, 82.12.0284, 82.14B.020, 82.32.520, 82.32.545, 82.32.550, 82.32.555, 84.33.140, 84.34.108, 84.52.010, and 84.52.054; amending 2006 c 84 s 9 (uncodified); reenacting and amending RCW 82.04.050, 82.04.260, and 82.14B.030; reenacting RCW 82.32.600 and 82.32.600; creating a new section; repealing RCW 84.55.012 and 84.55.0121; repealing 2005 c 514 s 113, 2004 c 153 s 502, 2003 c 168 s 902, and 2002 c 67 s 18 (uncodified); repealing 2005 c 514 s 112 and 2003 c 168 s 503; providing an effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Finance.

SB 5635 by Senators Brandland, Kline and Delvin; by request of Criminal Justice Training Commission

AN ACT Relating to requiring polygraph tests; and amending RCW 49.44.120.

Referred to Committee on Commerce & Labor.

SSB 5647 by Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Fraser, Morton, McAuliffe, Fairley, Swecker, Regala, Hatfield, Spanel, Rockefeller, Kohl-Welles and Rasmussen)

AN ACT Relating to clarifying the use of existing lodging tax revenues for tourism promotion; and amending RCW 67.28.080.

Referred to Committee on Community & Economic Development & Trade.

SSB 5674 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Fairley and Kline)

AN ACT Relating to water district commissioner candidates; and adding a new section to chapter 57.12 RCW.

Referred to Committee on Local Government.

SSB 5715 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Benton, Berkey, Hobbs, Prentice, Hatfield, Franklin and Shin; by request of Insurance Commissioner)

AN ACT Relating to persons selling, soliciting, or negotiating insurance; amending RCW 48.17.010, 48.17.060, 48.17.063, 48.17.065, 48.17.067, 48.17.090, 48.17.110, 48.17.125, 48.17.150, 48.17.160, 48.17.170, 48.17.180, 48.17.250, 48.17.270, 48.17.380, 48.17.390, 48.17.410, 48.17.420, 48.17.450, 48.17.460, 48.17.470, 48.17.475, 48.17.480, 48.17.490, 48.17.510, 48.17.530, 48.17.565, 48.17.591, 48.17.600, and 48.14.010; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.17 RCW; repealing RCW 48.17.020, 48.17.030, 48.17.040, 48.17.050, 48.17.055, 48.17.070, 48.17.100, 48.17.120, 48.17.130, 48.17.190, 48.17.200, 48.17.210, 48.17.230, 48.17.240, 48.17.260, 48.17.280, 48.17.290, 48.17.300, 48.17.310, 48.17.320, 48.17.330, 48.17.340, 48.17.500, 48.17.520, and 48.05.310; prescribing penalties; and providing an effective date.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

ESSB 5717 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Berkey, Hobbs, Prentice, Hatfield and Franklin; by request of Insurance Commissioner)

AN ACT Relating to the establishment of a program of market conduct oversight within the office of the insurance commissioner; reenacting and amending RCW 42.56.400; adding a new section to chapter 48.03 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Insurance, Financial Services & Consumer Protection.

SSB 5830 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Brown, Rasmussen, Keiser, Kohl-Welles, McAuliffe and Shin)

AN ACT Relating to home visitation services for families; amending RCW 43.121.015; adding new sections to chapter 43.121 RCW; and repealing RCW 43.70.530.

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

ESSB 5920 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Keiser, Shin and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to a pilot program for vocational rehabilitation services; amending RCW 51.32.095; adding new sections to chapter 51.32 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 5957 by Senator Kohl-Welles; by request of Joint Legislative Systems Committee

AN ACT Relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee; amending RCW 44.68.010, 44.68.030, 44.68.040, 44.68.050, and 44.68.060; adding new sections to chapter 44.68 RCW; creating a new section; repealing RCW 44.68.070; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

ESB 5983 by Senators Stevens and Hargrove

AN ACT Relating to notice in truancy matters; and amending RCW 28A.225.035.

Referred to Committee on Judiciary.

SSB 6011 by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Poulsen, Eide, Brown, Rockefeller, Spanel, Fraser, Weinstein, Murray, Pridemore and Keiser)

AN ACT Relating to protecting Puget Sound water quality by creating an aquatic reserve near Maury Island; amending RCW 79.105.210; adding a new section to chapter 79.105 RCW; and declaring an emergency.

Referred to Committee on Select Committee on Puget Sound.

SSJM 8012 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Brown, Hewitt, Franklin, Fraser, Oemig, Kline, Kilmer, Swecker, Hobbs, Hatfield, Marr, Spanel, Regala, Kohl-Welles, Berkey, Pridemore, Rasmussen, McAuliffe, Sheldon and Shin)

Requesting the Washington Air and Army National Guard not be federalized.

Referred to Committee on State Government & Tribal Affairs.

SCR 8404 by Senators Shin, Delvin and Kilmer; by request of Workforce Training and Education Coordinating Board

Approving the 2006 update to the state comprehensive plan for workforce training.

Referred to Committee on Higher Education.

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

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

With the consent of the House, the bills listed on the Rules Consideration calendar with the exception of HOUSE BILL NO. 1113, HOUSE BILL NO. 1146 and SUBSTITUTE SENATE BILL NO. 5089 were placed on the Second Reading calendar.

With the consent of the House, the bills listed on the day's Leadership Pull were placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00, March 10, 2007, the 62nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

Draft