

ONE HUNDRED FIRST DAY

MORNING SESSION

MESSAGE FROM THE HOUSE

Senate Chamber, Olympia, Wednesday, April 20, 2011

April 19, 2011

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Parlette.

The Sergeant at Arms Color Guard consisting of Pages Cammi Hinge and Jordan Kariou, presented the Colors. Bishop Timothy Grace, South Hill Ward of the Church of Jesus Christ of Latter-day Saints of Puyallup offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBBIE J. AHL, appointed March 30, 2011, for the term ending September 30, 2013, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

April 19, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONNA J. FEILD, appointed March 30, 2011, for the term ending January 19, 2015, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5119,

SENATE BILL NO. 5806,

ENGROSSED SENATE BILL NO. 5907.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5952 by Senators Kohl-Welles, Hobbs, White, Nelson, Kline and Harper

AN ACT Relating to low-income and homeless housing assistance surcharges; amending RCW 36.22.179; adding a new section to chapter 43.185C RCW; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated with the exception of Senate Bill No. 5952 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Baumgartner moved adoption of the following resolution:

SENATE RESOLUTION
8658

By Senators Baumgartner, Hill, Hewitt, Litzow, Fain, Conway, Nelson, Pridemore, Kastama, and Schoesler

WHEREAS, Spokane and all of Eastern Washington is proud of their sports teams and student athletes that represent the area with dignity and honor; and

WHEREAS, We recognize the dedication and perseverance required to be a successful student athlete; and

WHEREAS, The Lewis and Clark High School Lady Tigers and the Gonzaga Prep Bullpups continue to make Eastern Washington proud with their achievements; and

WHEREAS, The Tigers won the Class 4A Girls Basketball state championship title by a final score of 62-49 against the Federal Way Eagles; and

WHEREAS, The tournament's most valuable player, Devyn Galland, scored a game-high of 24 points with five rebounds and helped bring the Lady Tigers their fourth Class 4A state championship title; and

WHEREAS, The Lady Tigers were led to victory by Coach Jim Redmon; and

WHEREAS, The team members were Joelle Tampien, Nakia Arquette, Emma Kennan, Devyn Galland, Julia Moravec, Taylor Howlett, Sareya Bishop, Sonja Kuhta, Layley Hendricksen, Abang Taka, and Kylie Richard; and

WHEREAS, The Gonzaga Prep Bullpups won the Class 4A Boys Basketball state championship title with a final score of 61-41 against the Curtis High School Vikings; and

WHEREAS, In the first half, defense was front and center for the Bullpups as they allowed 22 points and never trailed behind the Curtis Vikings; and

WHEREAS, Bullpups senior Chris Sarbaugh was named the tournament's most valuable player, scoring 17 points with 10 rebounds and six assists; and

WHEREAS, The Bullpups gained their victory over the Curtis High School Vikings, making this the Bullpups first state championship title; and

WHEREAS, The Bullpups were led to victory by Coach Mike Haugen; and

WHEREAS, The team members were Parker Kelly, TJ Bracey, Shane Schmidlkofer, Stephen Ferraro, Chris Sarbaugh, Mathieu Delgado, Ryan Gregory, Mac Johnson, Mill Kuharski, Max Graves, and Reed Hopkins; and

WHEREAS, Both teams exemplified the excellence in athletics and academics that Spokane and all of Eastern Washington hold in high regard; and

WHEREAS, The Tigers and Bullpups have proven that the success and distinction of the Spokane area sports team know no gender;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect that the Washington State Senate honor the accomplishments and excellence exemplified by the 2011 Gonzaga Prep Bullpups for winning the Class 4A Boys Basketball state championship title and the 2011 Lewis and Clark High School Lady Tigers for winning their fourth Class 4A Girls Basketball state championship title; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the coaches and players of the Lewis and Clark High School Lady Tigers Basketball Team and the Gonzaga Prep Bullpups Basketball Team.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8658.

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

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9090, Cindy Roaf, as a member of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Ericksen, Senators Hewitt, Holmquist Newbry, Parlette and Roach were excused.

APPOINTMENT OF CINDY ROAF

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9090, Cindy Roaf as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9090, Cindy Roaf as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senator Parlette

Gubernatorial Appointment No. 9090, Cindy Roaf, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 20, 2011."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through April 20, 2011 by voice vote.

MOTION

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

MESSAGE FROM THE HOUSE

April 6, 2011

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5595 with the following amendment(s): 5595-S2 AMH WAYS H2435.1

On page 2, line 4, after "retain" strike "sixty" and insert "seventy" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

ONE HUNDRED FIRST DAY, APRIL 20, 2011

2011 REGULAR SESSION

MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5595. Senator Pridemore spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5595.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5595 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5595, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5595, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Absent: Senator Haugen

Excused: Senator Parlette

SECOND SUBSTITUTE SENATE BILL NO. 5595, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5119,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5485,
SUBSTITUTE SENATE BILL NO. 5502,
ENGROSSED SENATE BILL NO. 5505,
SUBSTITUTE SENATE BILL NO. 5525,
SENATE BILL NO. 5806,
ENGROSSED SENATE BILL NO. 5907.

MESSAGE FROM THE HOUSE

April 8, 2011

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5614 with the following amendment(s): 5614-S AMH LWD REIN 166

On page 4, beginning on line 8, after "appropriations" strike "of ten thousand dollars or more"

On page 4, beginning on line 15, strike all of subsections (A) and (B) and insert the following:

"(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator White moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5614.

Senator White spoke in favor of the motion.

MOTION

On motion of Senator Ranker, Senator Haugen was excused.

The President declared the question before the Senate to be the motion by Senator White that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5614.

The motion by Senator White carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5614 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5614, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5614, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senator Honeyford

Excused: Senators Haugen and Parlette

SUBSTITUTE SENATE BILL NO. 5614, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2011

April 7, 2011

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5658 with the following amendment(s): 5658-S AMH KLIP MALK 080

On page 1, beginning on line 7, after "(1)" strike all material through "(2))" on line 11 and insert "It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 21, after "(1)" strike all material through "(2))" on line 25 and insert "It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5658.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5658.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5658 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5658, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5658, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Haugen and Parlette

SUBSTITUTE SENATE BILL NO. 5658, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5688 with the following amendment(s): 5688-S AMH AGNR H2209.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares the following:

(1) The practice of shark finning, where a shark is caught, its fins are sliced off while it is still alive, and the animal returned to the sea severely and almost always fatally wounded, constitutes a serious threat to Washington's coastal ecosystem and biodiversity. Sharks are particularly susceptible to overfishing because they only reach sexual maturity between seven to twelve years of age and hatch or birth small litters. The destruction of the population of sharks, which reside at the top of the marine food chain, is an urgent problem that upsets the balance of species in the ocean ecosystem.

(2) Shark finning condemns millions of sharks every year to slow, painful deaths. Returned to the water without their fins, the maimed sharks are attacked by other predators or drown, because most shark species must swim in order to push water through their gills. Shark finning is therefore a cruel practice contrary to the good morals of the citizens of the state of Washington.

(3) The market for shark fins drives the brutal practice of shark finning. Shark finning and trade in shark fins and shark fin derivative products are occurring all along the Pacific Coast, including the state of Washington.

(4) The consumption of shark fins and shark fin derivative products by humans may cause serious health risks, including risks from mercury.

NEW SECTION. Sec. 2. A new section is added to chapter 77.15 RCW to read as follows:

(1) Except as otherwise provided in this section, a person is guilty of unlawful trade in shark fins in the second degree if:

(a) The person sells, offers for sale, purchases, offers to purchase, or otherwise exchanges a shark fin or shark fin derivative product for commercial purposes; or

(b) The person prepares or processes a shark fin or shark fin derivative product for human or animal consumption for commercial purposes.

(2) Except as otherwise provided in this section, a person is guilty of unlawful trade in shark fins in the first degree if:

(a) The person commits the act described by subsection (1) of this section and the violation involves shark fins or a shark fin derivative product with a total market value of two hundred fifty dollars or more;

(b) The person commits the act described by subsection (1) of this section and acted with knowledge that the shark fin or shark fin derivative product originated from a shark that was harvested in an area or at a time where or when the harvest was not legally allowed or by a person not licensed to harvest the shark; or

(c) The person commits the act described by subsection (1) of this section and the violation occurs within five years of entry of a prior conviction under this section or a prior conviction for any other gross misdemeanor or felony under this title involving fish, other than a recreational fishing violation.

(3)(a) Unlawful trade in shark fins in the second degree is a gross misdemeanor. Upon conviction, the department shall suspend any commercial fishing privileges for the person that requires a license under this title for a period of one year.

(b) Unlawful trade in shark fins in the first degree is a class C felony. Upon conviction, the department shall suspend any commercial fishing privileges for the person that requires a license under this title for a period of one year.

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(4) Any person who obtains a license or permit issued by the department to take or possess sharks or shark parts for bona fide research or educational purposes, and who sells, offers for sale, purchases, offers to purchase, or otherwise trades a shark fin or shark fin derivative product, exclusively for bona fide research or educational purposes, may not be held liable under or subject to the penalties of this section.

(5) Nothing in this section prohibits the sale, offer for sale, purchase, offer to purchase, or other exchange of shark fins or shark fin derivative products for commercial purposes, or preparation or processing of shark fins or shark fin derivative products for purposes of human or animal consumption for commercial purposes, if the shark fins or shark fin derivative products were lawfully harvested or lawfully acquired prior to the effective date of this section.

Sec. 3. RCW 77.08.010 and 2009 c 333 s 12 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (3), (28), (40), (44), (58), and (59) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(13) "Department" means the department of fish and wildlife.

(14) "Director" means the director of fish and wildlife.

(15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(16) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal

agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(25) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special

restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(37) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(38) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(45) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(47) "Saltwater" means those marine waters seaward of river mouths.

(48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(49) "Senior" means a person seventy years old or older.

(50) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(51) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(52) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(53) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(54) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(55) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(56) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(57) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(58) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(59) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(60) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(61) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(62) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(63) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(64) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(65) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

(66)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5688.

Senators Ranker and Morton spoke in favor of the motion.

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The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5688.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5688 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5688, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5688, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Haugen and Parlette

SUBSTITUTE SENATE BILL NO. 5688, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Brown asserting that Amendment # 379 to the committee striking amendment to Engrossed Substitute House Bill No. 1175 includes substantive law in violation of Senate Rules 25 and 66, the President finds and rules as follows:

The proposed amendment offered by Senator Benton seeks to include in the transportation budget a provision that would require the department of licensing to verify the lawful presence of applicants for various licenses.

The President has long held that a budget bill – whether for the purposes of transportation, or the operation of state agencies – is not an appropriate forum for changing state substantive law. This position was developed in part after the Supreme Court's decision in *Legislature v. Locke*. In determining whether substantive law is present, several alternative factors may be considered. Two of these are: first, whether the proposed language seeks to include a policy change that was the subject of a separate bill; and second, whether the inclusion of the language would redefine rights or eligibility for services.

Here, the offered amendment seeks to include the licensing requirements found in a separate bill, Senate Bill 5407, which did not pass. That bill, and this amendment, would reduce the number of persons currently eligible to obtain drivers licenses or similar permits. Both of these factors indicate that the amendment would affect state substantive law and are appropriately part of a policy bill, but are not appropriate for inclusion in a budget bill.

Having so decided, the President would note that Sen. Brown's motion raised objections under Rule 25 and Rule 66. An amendment that, if adopted, would add a second subject to a bill in violation of Senate Rule 25, almost by definition violates Rule 66, which prohibits changing the scope and object of a bill. This is different from the President's analysis of the two-subject rule when applied to a bill, as a bill may contain two subjects as it is drafted, and the scope and object concerns under Rule 66 never apply. In this case, it is not necessary to specifically decide which violation is more significant, as the result is the same: the amendment is out of order.

For these reasons, if adopted, Senator Benton's amendment would violate Rules 25 and 66, and Senator Brown's point is well-taken."

MOTION

At 10:13 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:47 a.m. by President Owen.

MESSAGE FROM THE HOUSE

April 19, 2011

MR. PRESIDENT:

The Speaker ruled the Senate amendment (s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1478 beyond scope & object to the bill. Refuses to adopt and ask for a conference thereon. The Speaker has appointed the following members as conferees. Representatives: Fitzgibbon, Springer, Angel and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Pridemore, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1478.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1478 and the Senate amendment(s) there to: Senators Nelson, Pridemore and Swecker.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 9, 2011

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5531 with the following amendment(s): 5531-S AMH ENGR H2473.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that counties that host evaluation and treatment beds incur costs by providing judicial services associated with civil commitments under chapters 71.05 and 71.34 RCW. Because evaluation and treatment beds are not evenly distributed across the state, these commitments frequently occur in a different county from the county in which the person was originally detained. The intent of this act is to create a process for the state to reimburse counties through the regional support networks for the counties' reasonable direct costs incurred in providing these judicial services, and to prevent the burden of these costs from falling disproportionately on the counties or regional support networks in which the commitments are most likely to occur. The legislature recognizes that the costs of judicial services may vary across the state based on different factors and conditions.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) A county may apply to its regional support network on a quarterly basis for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter and chapter 71.34 RCW. The regional support network shall in turn be entitled to reimbursement from the regional support network which serves the county of residence of the individual who is the subject of the civil commitment case. Reimbursements under this section shall be paid out of the regional support network's nonmedicaid appropriation.

(2) Reimbursement for judicial services shall be provided per civil commitment case at a rate to be determined based on an independent assessment of the county's actual direct costs. This assessment must be based on an average of the expenditures for judicial services within the county over the past three years. In the event that a baseline cannot be established because there is no significant history of similar cases within the county, the reimbursement rate shall be equal to eighty percent of the median reimbursement rate of counties included in the independent assessment.

(3) For the purposes of this section:

(a) "Civil commitment case" includes all judicial hearings related to a single episode of hospitalization, or less restrictive alternative detention in lieu of hospitalization, except that the filing of a petition for a one hundred eighty-day commitment under this chapter or a petition for a successive one hundred eighty-day commitment under chapter 71.34 RCW shall be considered to be a new case regardless of whether there has been a break in detention. "Civil commitment case" does not include the filing of a petition for a one hundred eighty-day commitment under this chapter on behalf of a patient at a state psychiatric hospital.

(b) "Judicial services" means a county's reasonable direct costs in providing prosecutor services, assigned counsel and defense services, court services, and court clerk services for civil commitment cases under this chapter and chapter 71.34 RCW.

(4) To the extent that resources have shared purpose, the regional support network may only reimburse counties to the extent such resources are necessary for and devoted to judicial services as described in this section.

(5) No filing fee may be charged or collected for any civil commitment case subject to reimbursement under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct an independent assessment of the direct costs of providing judicial services under this chapter and chapter 71.34 RCW as defined in section 2 of this act. This assessment shall be conducted for any county in which more than twenty civil commitment cases were conducted during the year prior to the study. This assessment must be completed by June 1, 2012.

(2) The administrative office of the courts and the department shall provide the joint legislative audit and review committee with assistance and data required to complete the assessment.

(3) The joint legislative audit and review committee shall present recommendations as to methods for updating the costs identified in the assessment to reflect changes over time.

NEW SECTION. Sec. 4. A new section is added to chapter 71.34 RCW to read as follows:

A county may apply to its regional support network for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter, as provided in section 2 of this act.

Sec. 5. RCW 71.05.110 and 1997 c 112 s 7 are each amended to read as follows:

Attorneys appointed for persons pursuant to this chapter shall be compensated for their services as follows: (1) The person for whom an attorney is appointed shall, if he or she is financially able pursuant to standards as to financial capability and indigency set by the superior court of the county in which the proceeding is held, bear the costs of such legal services; (2) if such person is indigent pursuant to such standards, the ~~((costs of such services shall be borne by))~~ regional support network shall reimburse the county in which the proceeding is held ~~((subject however to the responsibility for costs provided in RCW 71.05.320(2)))~~ for the direct costs of such legal services, as provided in section 2 of this act.

Sec. 6. RCW 71.24.160 and 2001 c 323 s 15 are each amended to read as follows:

The regional support networks shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under section 2 of this act must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

Sec. 7. RCW 71.34.300 and 1985 c 354 s 14 are each amended to read as follows:

(1) The county or combination of counties is responsible for development and coordination of the evaluation and treatment program for minors, for incorporating the program into the county mental health plan, and for coordination of evaluation and treatment services and resources with the community mental health program required under chapter 71.24 RCW.

(2) The county shall be responsible for maintaining its support of involuntary treatment services for minors at its 1984 level, adjusted for inflation, with the department responsible for additional costs to the county resulting from this chapter. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under section 2 of this act must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

Sec. 8. RCW 71.34.330 and 1985 c 354 s 23 are each amended to read as follows:

Attorneys appointed for minors under this chapter shall be compensated for their services as follows:

(1) Responsible others shall bear the costs of such legal services if financially able according to standards set by the court of the county in which the proceeding is held.

(2) If all responsible others are indigent as determined by these standards, the ~~((costs of these legal services shall be borne by))~~ regional support network shall reimburse the county in which the proceeding is held for the direct costs of such legal services, as provided in section 2 of this act.

Sec. 9. RCW 71.05.230 and 2009 c 217 s 2 and 2009 c 293 s 3 are each reenacted and amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. ~~((There shall be no fee for filing petitions for fourteen days of involuntary intensive treatment.))~~ A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and either results in a likelihood of serious harm, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

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(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated mental health professional has filed a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by:

(a) Two physicians;

(b) One physician and a mental health professional;

(c) Two psychiatric advanced registered nurse practitioners;

(d) One psychiatric advanced registered nurse practitioner and a mental health professional; or

(e) A physician and a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

NEW SECTION. Sec. 10. Except for section 3 of this act, this act takes effect July 1, 2012."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5531 and ask the House to recede therefrom.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5531 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5531 and asked the House to recede therefrom.

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MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5531 was immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

April 18, 2011

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE SENATE BILL NO. 5836 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Billig, Clibborn, Hargrove and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5836.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5836 and the Senate amendment(s) there to: Senators Haugen, King and White.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

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

SECOND READING

SENATE BILL NO. 5622, by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Swecker, Fraser, Hargrove, White, Regala, Shin, Chase, Kline and Conway)

Concerning recreation access on state lands.

MOTIONS

On motion of Senator Ranker, Second Substitute Senate Bill No. 5622 was substituted for Senate Bill No. 5622 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Second Substitute Senate Bill No. 5622 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Schoesler and Carrell spoke in favor of passage of the bill.

Senators Sheldon, Benton and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5622.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5622 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and White

Voting nay: Senators Baumgartner, Baxter, Benton, Delvin, Ericksen, Hobbs, Holmquist Newbry, Honeyford, Kastama, King, Morton, Pflug, Roach and Sheldon

Absent: Senator Zarelli

Excused: Senator Parlette

SECOND SUBSTITUTE SENATE BILL NO. 5622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Second Substitute Senate Bill No. 5622 was immediately transmitted to the House of Representatives.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:35 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 2011

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5700 with the following amendment(s): 5700-S AMH TR H1972.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that Washington voters strongly supported Initiative Measure No. 1053 during the 2010 general election, which indicates the clear desire on the part of the state's citizens that legislators approve any new fees or increases to existing fees. The legislature further recognizes that during the 2009 legislative session tolling was authorized on the state route number 520 corridor, bonds were authorized to finance construction of corridor projects, and the legislature committed to continue imposing tolls on the corridor in amounts sufficient to pay the principal and interest on those bonds. As tolling is scheduled to begin on the corridor in early April 2011, the legislature intends to honor the voters' clear direction as identified in Initiative Measure No. 1053 by reviewing the transportation commission's recommended schedule for tolling charges and explicitly approving

those rates applicable to the state route number 520 corridor. The legislature also intends to review the transportation commission's recommended schedule for photo toll charges and explicitly approve those rates applicable to the Tacoma Narrows bridge.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.56 RCW to read as follows:

(1) Consistent with RCW 43.135.055 and 47.56.805 through 47.56.876, the legislature approves the action taken by the transportation commission on January 5, 2011, adopting amended rules to set the schedule of toll rates applicable to the state route number 520 corridor. The legislature further authorizes the transportation commission, as the tolling authority for the state, to set and adjust toll rates on the state route number 520 corridor in accordance with the authorization, requirements, and guidelines set forth in RCW 47.56.830, 47.56.850, and 47.56.870. The transportation commission may adjust the toll rates, as identified in the adopted schedule of toll rates, only in amounts not greater than those sufficient to meet (a) the operating costs of the state route number 520 corridor, including necessary maintenance, preservation, renewal, replacement, administration, and toll enforcement by public law enforcement and (b) obligations for the timely payment of debt service on bonds issued under chapter 498, Laws of 2009 and this act, and any other associated financing costs including, but not limited to, required reserves, minimum debt coverage or other appropriate contingency funding, insurance, and compliance with all other financial and other covenants made by the state in the bond proceedings. Prior to the convening of each regular session of the legislature, the transportation commission must provide the transportation committees of the legislature with a detailed report regarding any increase or decrease in any toll rate approved by the commission that has not been described in a previous report provided pursuant to this subsection (1), along with a detailed justification for each such increase or decrease.

(2) Consistent with RCW 43.135.055 and 47.46.100, the legislature approves the action taken by the transportation commission on January 25, 2011, adopting amended rules to set the schedule of photo toll, or "pay by mail," charges applicable to the Tacoma Narrows bridge. Prior to the convening of each regular session of the legislature, the transportation commission must provide the transportation committees of the legislature with a detailed report regarding any increase or decrease in any toll rate approved by the commission that has not been described in a previous report provided pursuant to this subsection (2), along with a detailed justification for each such increase or decrease.

(3) Consistent with RCW 43.135.055 and 47.56.795(6), the legislature approves the action taken by the transportation commission on January 5, 2011, adopting amended rules concerning the assessment of administrative fees for toll collection processes. The administrative fees must not exceed toll collection costs.

Sec. 3. RCW 47.10.882 and 2009 c 498 s 11 are each amended to read as follows:

The toll facility bond retirement account is created in the state treasury for the purpose of payment of the principal of and interest and premium on bonds. Both principal of and interest on the bonds issued for the purposes of chapter 498, Laws of 2009 and this act shall be payable from the toll facility bond retirement account. The state finance committee may provide that special subaccounts be created in the account to facilitate payment of the principal of and interest on the bonds. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings.

Sec. 4. RCW 47.10.886 and 2009 c 498 s 16 are each reenacted to read as follows:

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If and to the extent that the state finance committee determines, in consultation with the department of transportation and the tolling authority, that it will be beneficial for the state to issue any bonds authorized in RCW 47.10.879 and 47.10.883 through 47.10.885 as toll revenue bonds rather than as general obligation bonds, the state finance committee is authorized to issue and sell, upon the request of the department of transportation, such bonds as toll revenue bonds and not as general obligation bonds. Notwithstanding RCW 47.10.883, each such bond shall contain a recital that payment or redemption of the bond and payment of the interest and any premium thereon is payable solely from and secured solely by a direct pledge, charge, and lien upon toll revenue and is not a general obligation of the state to which the full faith and credit of the state is pledged.

Toll revenue is hereby pledged to the payment of any bonds and the interest thereon issued under the authority of this section, and the legislature agrees to continue to impose these toll charges on the state route number 520 corridor, and on any other eligible toll facility designated by the legislature and on which the imposition of tolls is authorized by the legislature in respect of the bonds, in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of this section.

Sec. 5. RCW 47.10.887 and 2009 c 498 s 17 are each amended to read as follows:

The state finance committee may determine and include in any resolution authorizing the issuance of any bonds under chapter 498, Laws of 2009 and this act, such terms, provisions, covenants, and conditions as it may deem appropriate in order to assist with the marketing and sale of the bonds, confer rights upon the owners of bonds, and safeguard rights of the owners of bonds including, among other things:

(1) Provisions regarding the maintenance and operation of eligible toll facilities;

(2) The pledges, uses, and priorities of application of toll revenue;

(3) Provisions that bonds shall be payable from and secured solely by toll revenue as provided by RCW 47.10.886, or shall be payable from and secured by both toll revenue and by a pledge of excise taxes on motor vehicle and special fuels and the full faith and credit of the state as provided in RCW 47.10.879 and 47.10.883 through 47.10.885;

(4) In consultation with the department of transportation and the tolling authority, financial covenants requiring that the eligible toll facilities must produce specified coverage ratios of toll revenue to debt service on bonds;

(5) The purposes and conditions that must be satisfied prior to the issuance of any additional bonds that are to be payable from and secured by any toll revenue on an equal basis with previously issued and outstanding bonds payable from and secured by toll revenue;

(6) Provisions that bonds for which any toll revenue are pledged, or for which a pledge of any toll revenue may be reserved, may be structured on a senior, parity, subordinate, or special lien basis in relation to any other bonds for which toll revenue is pledged, with respect to toll revenue only; and

(7) Provisions regarding reserves, credit enhancement, liquidity facilities, and payment agreements with respect to bonds.

Notwithstanding the foregoing, covenants and conditions detailing the character of management, maintenance, and operation of eligible toll facilities, insurance for eligible toll facilities, financial management of toll revenue, and disposition of eligible toll facilities must first be approved by the department of transportation.

The owner of any bond may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon the tolling authority and the department of transportation and their respective officials, including any duties imposed upon or

undertaken by them or by their respective officers, agents, and employees, in connection with the construction, maintenance, and operation of eligible toll facilities and in connection with the collection, deposit, investment, application, and disbursement of the proceeds of the bonds and toll revenue.

Sec. 6. RCW 47.10.888 and 2009 c 498 s 18 are each amended to read as follows:

(1) For the purposes of chapter 498, Laws of 2009 and this act, "toll revenue" means all toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of transportation facilities in the state, including eligible toll facilities. However, for the purpose of any pledge of toll revenue to the payment of particular bonds issued under chapter 498, Laws of 2009 and this act, "toll revenue" means and includes only such toll revenue or portion thereof that is pledged to the payment of those bonds in the resolution authorizing the issuance of such bonds. Toll revenue constitutes "fees and revenues derived from the ownership or operation of any undertaking, facility, or project" as that phrase is used in Article VIII, section 1(c)(1) of the state Constitution.

(2) For the purposes of chapter 498, Laws of 2009 and this act, "tolling authority" has the same meaning as in RCW 47.56.810.

Sec. 7. RCW 47.56.810 and 2008 c 122 s 3 are each amended to read as follows:

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

(1) "Tolling authority" means the governing body that is legally empowered to review and adjust toll rates. Unless otherwise delegated, the transportation commission is the tolling authority for all state highways.

(2) "Eligible toll facility" or "eligible toll facilities" means portions of the state highway system specifically identified by the legislature including, but not limited to, transportation corridors, bridges, crossings, interchanges, on-ramps, off-ramps, approaches, bistate facilities, and interconnections between highways.

(3) "Toll revenue" or "revenue from an eligible toll facility" means toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of ~~((the))~~ transportation facilities in the state, including eligible toll ((facility)) facilities.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5700.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senators Benton, Ericksen, Roach and Zarelli were excused.

MOTION

On motion of Senator Eide, Senators Fraser and Ranker were excused.

MOTION

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On motion of Senator White, Senator Brown was excused.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5700.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5700 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5700, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of SSB 5700, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 10; Absent, 2; Excused, 5.

Voting yea: Senators Becker, Conway, Delvin, Eide, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Regala, Schoesler, Sheldon, Shin, Swecker, Tom and White

Voting nay: Senators Baumgartner, Baxter, Benton, Carrell, Holmquist Newbry, Honeyford, Morton, Roach, Stevens and Zarelli

Absent: Senators Chase and Rockefeller

Excused: Senators Brown, Ericksen, Fraser, Parlette and Ranker

SUBSTITUTE SENATE BILL NO. 5700, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator White, Senators Chase and Rockefeller were excused.

MESSAGE FROM THE HOUSE

April 20, 2011

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5457. The Speaker has appointed the following members as Conferees: Representatives Clibborn, Liias, Armstrong and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2011

MR. PRESIDENT:

The House grants the request for a conference on SUBSTITUTE SENATE BILL NO. 5749. The Speaker has appointed the following members as Conferees: Representatives Seaquist, Reykdal, Haler and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House grants the request for a conference on SUBSTITUTE HOUSE BILL NO. 1793. The Speaker has appointed the following members as Conferees: Representatives Darneille, Dickerson, Walsh and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2011

MR. PRESIDENT:

The House passed SENATE BILL NO. 5731 with the following amendment(s): 5731 AMH ENGR H2250.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 24.50.010 and 2006 c 34 s 2 are each amended to read as follows:

(1) Washington manufacturing services is organized as a private, nonprofit corporation in accordance with chapter 24.03 RCW and this section. The mission of the ~~((center))~~ corporation is to operate a modernization extension system, coordinate a network of public and private modernization resources, and stimulate the competitiveness of small and midsize manufacturers in Washington.

(2) ~~((Washington manufacturing services shall))~~ The corporation must be governed by a board of directors. A majority of the board of directors shall be representatives of small and medium-sized manufacturing firms and industry associations, networks, or consortia. The board ~~((shall))~~ must also include at least one member representing labor unions or labor councils and, as ex officio members, the director of the department of ~~((community, trade, and economic development))~~ commerce, the executive director of the state board for community and technical colleges, and the director of the workforce training and education coordinating board, or their respective designees.

(3) ~~((Washington manufacturing services))~~ The corporation may be known as impact Washington and may:

(a) Charge fees for services, make and execute contracts with any individual, corporation, association, public agency, or any other entity, and employ all other legal instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter; and

(b) Receive funds from federal, state, or local governments, private businesses, foundations, or any other source for purposes consistent with this chapter.

(4) ~~((Washington manufacturing services shall))~~ The corporation must:

(a) Develop policies, plans, and programs to assist in the modernization of businesses in targeted sectors of Washington's economy and coordinate the delivery of modernization services;

(b) Provide information about the advantages of modernization and the modernization services available in the state to federal, state, and local economic development officials, state colleges and universities, and private providers;

(c) Collaborate with the Washington quality initiative in the development of manufacturing quality standards and quality certification programs;

(d) Collaborate with industry sector and cluster associations to inform import-impacted manufacturers about federal trade adjustment assistance funding;

(e) Serve as an information clearinghouse and provide access for users to the federal manufacturing extension partnership national research and information system; and

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((~~e~~)) (f) Provide, either directly or through contracts, assistance to industry or cluster associations, networks, or consortia, that would be of value to their member firms in:

(i) Adopting advanced business management practices such as strategic planning and total quality management;

(ii) Developing mechanisms for interfirm collaboration and cooperation;

(iii) Appraising, purchasing, installing, and effectively using equipment, technologies, and processes that improve the quality of goods and services and the productivity of the firm;

(iv) Improving human resource systems and workforce training in a manner that moves firms toward flexible, high-performance work organizations;

(v) Developing new products;

(vi) Conducting market research, analysis, and development of new sales channels and export markets;

(vii) Improving processes to enhance environmental, health, and safety compliance; and

(viii) Improving credit, capital management, and business finance skills.

(5) Between thirty-five and sixty-five percent of the funds received by the corporation from the state must be used by the corporation for carrying out the duties under subsection (4)(f) of this section, consistent with the intent of RCW 24.50.005(2)."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Senate Bill No. 5731.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Senate Bill No. 5731.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5731 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5731, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Baumgartner, Baxter, Becker, Carrell, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newby, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Absent: Senator Benton

Excused: Senators Brown, Chase, Ericksen and Parlette

SENATE BILL NO. 5731, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5741 with the following amendment(s): 5741-S AMH ENGR H2261.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.162.005 and 2007 c 232 s 1 are each amended to read as follows:

(1) The legislature finds that ((Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The current economic development system is fragmented among numerous programs, councils, centers, and organizations with inadequate overall coordination and insufficient guidance built into the system to ensure that the system is responsive to its customers. The current economic development system's data-gathering and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so the system may be held accountable for its outcomes.

The legislature also finds that developing a comprehensive economic development strategic plan to guide the operation of effective economic development programs, including workforce training, infrastructure development, small business assistance, technology transfer, and export assistance, is vital to the state's efforts to increase the competitiveness of state businesses, encourage employment growth, increase state revenues, and generate economic well-being. There is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. The legislature finds that there is a need for the development of coordination criteria for business recruitment, expansion, and retention activities carried out by the state and local entities. It is the intent of the legislature)) in order to achieve long-term global competitiveness, prosperity, and economic opportunity for all the state's citizens, Washington state must become the most attractive, creative, and fertile investment environment for innovation in the world.

(2) The legislature finds that the state must take a strategic approach to fostering an innovation economy, and that success will be driven by public and private sector leaders who are committed to developing and advocating a shared vision and collaborating across organizational and geographic boundaries. The legislature therefore intends to create an economic development commission that will provide planning, coordination, evaluation, monitoring, and policy analysis and development for the state economic development system as a whole, and advice to the governor and legislature concerning the state economic development system.

Sec. 2. RCW 43.162.010 and 2007 c 232 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established to ~~((oversee the economic development strategies and policies of the department of community, trade, and economic development))~~ assist the governor and legislature by providing leadership, direction, and guidance on a long-term and systematic approach to economic development that will result in enduring global competitiveness, prosperity, and economic opportunity for all the state's citizens.

(2)(a) The ~~((Washington state economic development commission shall consist of eleven voting members))~~ commission consists of twenty-four members. Fifteen of the members must be voting members appointed by the governor as follows: ~~((Six))~~ Eight representatives of the private sector, one representative of

labor from east of the crest of the Cascade mountains and one representative of labor from west of the crest of the Cascade mountains, one representative of port districts, one representative of four-year state public higher education, one representative ~~((for))~~ of state community or technical colleges, one representative with expertise in international trade, and one representative of associate development organizations. The director of the department of ~~((community, trade, and economic development))~~ commerce, the director of the workforce training and education coordinating board, the commissioner of the employment security department, the secretary of the department of transportation, the director of the department of agriculture, and the chairs and ranking minority members of the standing committees of the house of representatives and the senate overseeing economic development policies ~~((shall))~~ must serve as nonvoting ex officio members.

(b) Members may not designate alternates, substitutes, or surrogates. However, members may participate in a meeting by conference telephone or similar communications equipment so that all persons participating in the meeting can hear each other at the same time. Participation by that method constitutes presence in person at a meeting.

(c) The chair of the commission ~~((shall))~~ must be a private sector voting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. ~~((In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role the state's economic development system has in meeting those needs.~~

~~((b)))~~ A vice chair must be elected by members of the commission but may not be the director of an executive branch agency or a member of the legislature. The vice chair must exercise the duties of the commission chair in his or her absence.

(d) In making the appointments, the governor ~~((shall))~~ must consult with the commission and with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

~~((e))~~ (e) The members ~~((shall))~~ must be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. Private sector members ~~((shall))~~ must represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses. Members of the commission ~~((shall))~~ must serve statewide interests while preserving their diverse perspectives, and ~~((shall))~~ must be recognized leaders in their fields with demonstrated experience in economic development, innovation, or disciplines related to economic development.

(3) Members appointed by the governor ~~((shall))~~ serve at the pleasure of the governor for not more than two consecutive three-year terms, except that, as determined by the governor, the terms of four of the appointees on the commission on the effective date of this section expire in 2012, the terms of four of the appointees on the commission on the effective date of this section expire in 2013, and the terms of three of the appointees on the commission on the effective date of this section expire in 2014. Thereafter all terms are for three years. Vacancies must be filled in the same manner as the original appointments.

(4) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(5) The executive director of the commission ~~((shall))~~ must be appointed by the governor with the consent of the ~~((voting members of the))~~ commission. The salary of the executive director must be set by the governor with the consent of the commission. The

governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor. The commission must evaluate the performance of the executive director in a manner consistent with the process used by the governor to evaluate the performance of agency directors.

(6) The commission may adopt ~~((rules))~~ policies and procedures for its own governance.

NEW SECTION. Sec. 3. A new section is added to chapter 43.162 RCW to read as follows:

For the purposes of this chapter, unless the context clearly requires otherwise, "commission" means the Washington state economic development commission created under RCW 43.162.005.

Sec. 4. RCW 43.162.015 and 2007 c 232 s 3 are each amended to read as follows:

(1) ~~((The commission shall employ an executive director.))~~ The executive director ~~((shall serve as chief executive officer of the commission and shall))~~ of the commission must serve as its chief executive officer. Subject to available resources and in accordance with commission direction, the executive director must:

(a) Administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, utilize staff of existing operating agencies to the fullest extent possible, and employ outside consulting and service agencies when appropriate((-

(2) The executive director may not be the chair of the commission.

(3) The executive director shall);

(b) Appoint necessary staff who ((shall be)) are exempt from the provisions of chapter 41.06 RCW. The executive director's appointees ((shall)) serve at the executive director's pleasure on such terms and conditions as the executive director determines but subject to chapter 42.52 RCW.

((4) The executive director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the commission.

(5)) The executive director shall, subject to the availability of funds for this purpose, implement a hiring process for a research manager responsible for managing the data collection, database, and evaluation functions under RCW 43.162.020 and 43.162.025. By October 1, 2011, the executive director must make a recommendation to the commission on a qualified candidate to fill the research manager position. The commission is responsible for making the final decision on hiring the research manager;

(c) Appoint employees who are subject to the provisions of chapter 41.06 RCW; and

(d) Contract with additional persons who have specific technical expertise if needed to carry out a specific, time-limited project.

(2) The executive director ((shall exercise such additional powers)) must exercise additional authority, other than rule making, as may be delegated by the commission.

(3) The executive director must develop for commission review and approval an annual commission budget and work plan in accordance with the omnibus appropriations bill approved by the legislature, and must present a fiscal report to the commission quarterly for its review and comment.

(4) The executive director of the commission must report solely to the governor and the commissioners on matters pertaining to commission operations.

Sec. 5. RCW 43.162.020 and 2009 c 151 s 9 are each amended to read as follows:

((The Washington state economic development commission shall:

(1) Concentrate its major efforts on planning, coordination,

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evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

(2) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. The plan shall) (1) The commission must concentrate its major efforts on strategic planning, policy research and analysis, advocacy, evaluation, and promoting coordination and collaboration.

(2) During each regular legislative session, the commission must consult with appropriate legislative committees about the state's economic development needs and opportunities.

(3)(a) By October 1st of each even-numbered year, the commission must submit to the governor and legislature a biennial comprehensive statewide economic development strategy with a report on progress from the previous comprehensive strategy.

(b) The comprehensive statewide economic development strategy must include the industry clusters in the state and the strategic clusters targeted by the commission for economic development efforts. The commission ((shall)) must consult with the workforce training and education coordinating board and include labor market and economic information by the employment security department in developing the list of clusters and strategic clusters that meet the criteria identified by the working group convened by the economic development commission and the workforce training and education coordinating board under chapter 43.330 RCW.

(4)(a) In developing the ((state comprehensive plan for economic development)) comprehensive statewide economic development strategy, the commission ((shall)) must use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input((;

~~— (3) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs; and~~

~~— (4) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination.~~

~~— The commission may delegate to the executive director any of the functions of this section).~~

(b) The comprehensive statewide economic development strategy may include:

- (i) An assessment of the state's economic vitality;
- (ii) Recommended goals, objectives, and priorities for the next biennium, and the future;
- (iii) A common set of outcomes and benchmarks for the economic development system as a whole;

(iv) Recommendations for removing barriers and promoting collaboration among participants in the innovation ecosystem;

(v) An inventory of existing relevant programs compiled by the commission from materials submitted by agencies;

(vi) Recommendations for expanding, discontinuing, or redirecting existing programs, or adding new programs; and

(vii) Recommendations of best practices and public and private sector roles in implementing the comprehensive statewide economic development strategy.

(5) In developing the biennial statewide economic development strategy, plans, inventories, assessments, and policy research, the commission must consult, collaborate, and coordinate with relevant state agencies, private sector businesses, nonprofit organizations involved in economic development, trade associations, and relevant local organizations in order to avoid duplication of effort.

(6) State agencies must cooperate with the commission and provide information as the commission may reasonably request.

(7) The commission must develop a biennial budget request for approval by the office of financial management. The commission must adopt an annual budget and work plan in accordance with the omnibus appropriations bill approved by the legislature.

(8)(a) The commission and its fiscal agent must jointly develop and adopt a memorandum of understanding to outline and establish clear lines of authority and responsibility between them related to budget and administrative services.

(b) The memorandum of understanding may not provide any additional grant of authorities to the commission or the fiscal agent that is not already provided for by statute, nor diminish any authorities or powers granted to either party by statute.

(c) Periodically, but not less often than biannually, the commission and fiscal agent must review the memorandum of understanding and, if necessary, recommend changes to the other party.

(d) As provided generally under RCW 43.162.015, the executive director of the commission must report solely to the governor and the commissioners on matters pertaining to commission operations.

(9) To maintain its objectivity and concentration on strategic planning, policy research and analysis, and evaluation, the commission may not take an administrative role in the delivery of services. However, subject to available resources and consistent with its work plan, the commission or the executive director may conduct outreach activities such as regional forums and best practices seminars.

(10) The commission must evaluate its own performance on a regular basis.

(11) The commission may accept gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program, or any private source, and expend the same for any purpose consistent with this chapter.

Sec. 6. RCW 43.162.025 and 2007 c 232 s 5 are each amended to read as follows:

(1) Subject to available funds, the Washington state economic development commission may:

~~((4))~~ (a) Periodically review for consistency with the state comprehensive plan for economic development the policies and plans established for:

~~((a))~~ (i) Business and technical assistance by the small business development center, the Washington manufacturing service, the Washington technology center, associate development organizations, the department of ((community, trade, and economic development)) commerce, and the office of minority and women-owned business enterprises;

~~((b))~~ (ii) Export assistance by the small business export finance assistance center, the international marketing program for

agricultural commodities and trade, the department of agriculture, the center for international trade in forest products, associate development organizations, and the department of (~~community, trade, and economic development~~) commerce; and

~~((e))~~ ~~(iii)~~ Infrastructure development by the department of (~~community, trade, and economic development~~) commerce and the department of transportation; and

~~((2))~~ ~~(b)~~ Review and make recommendations to the office of financial management and the legislature on budget requests and legislative proposals relating to the state economic development system for purposes of consistency with the state comprehensive plan for economic development(~~(;~~

~~—(3) Provide for coordination among the different agencies, organizations, and components of the state economic development system at the state level and at the regional level;~~

~~—(4) Advocate for the state economic development system and for meeting the needs of industry associations, industry clusters, businesses, and employees;~~

~~—(5) Identify partners and);~~

(2) The Washington state economic development commission must:

(a) In collaboration with the department of commerce and other partners, develop a plan ((to develop)) for a consistent and reliable database on participation rates, costs, program activities, and outcomes from publicly funded economic development programs in this state by ((January 1, 2011)) October 1, 2012;

((a) In coordination with the development of the database, the commission shall))

(b) By October 1, 2012, establish standards for data collection and maintenance for providers in the economic development system in a format that is accessible to use by the commission. The commission ((shall)) must require a minimum of common core data to be collected by each entity providing economic development services with public funds and shall develop requirements for minimum common core data in consultation with the economic climate council, the office of financial management, and the providers of economic development services;

~~((b) The commission shall))~~ (c) Establish minimum common standards and metrics for program evaluation of economic development programs, and monitor such program evaluations; and

~~((c) The commission shall))~~ (d) Beginning no later than January 1, 2012, periodically administer, based on a schedule established by the commission, scientifically based outcome evaluations of the state economic development system including, but not limited to, surveys of industry associations, industry cluster associations, and businesses served by publicly funded economic development programs; matches with employment security department payroll and wage files; and matches with department of revenue tax files; and

~~((6))~~ (e) Evaluate proposals for expenditure from the economic development strategic reserve account and recommend expenditures from the account.

~~((The commission may delegate to the director any of the functions of this section.))~~ (3) The governor or legislature may direct the commission, from time to time, to undertake additional research and policy analysis, assessments, or other special projects related to its mission.

Sec. 7. RCW 43.162.030 and 2007 c 232 s 7 are each amended to read as follows:

Creation of the (~~Washington state economic development~~) commission (~~shall~~) may not be construed to modify any authority or budgetary responsibility of the governor or the department of (~~community, trade, and economic development~~) commerce.

NEW SECTION. Sec. 8. A new section is added to chapter 43.162 RCW to read as follows:

(1) The Washington state economic development commission account is created in the state treasury. All receipts from gifts, grants, donations, sponsorships, or contributions under RCW 43.162.020 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the Washington state economic development commission only for purposes related to carrying out the mission, roles, and responsibilities of the commission.

(2) Whenever any money, from the federal government or from other sources, that was not anticipated in the budget approved by the legislature, has actually been received and is designated to be spent for a specific purpose, the executive director must use the unanticipated receipts process as provided in RCW 43.79.270 to request authority to spend the money.

Sec. 9. RCW 43.84.092 and 2010 1st sp.s. c 30 s 20, 2010 1st sp s c 9 s 7, 2010 c 248 s 6, 2010 c 222 s 5, 2010 c 162 s 6, and 2010 c 145 s 11 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water

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assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multiagency permitting team account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school

employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5741.

Senator Kastama spoke in favor of the motion.

Senator Baumgartner spoke against the motion.

MOTION

On motion of Senator Becker, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5741.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5741 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5741, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5741, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and White

Voting nay: Senators Baumgartner, Hatfield, Holmquist Newbry, Honeyford, Schoesler and Zarelli

Excused: Senators Ericksen and Parlette

SUBSTITUTE SENATE BILL NO. 5741, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

The Senate resumed consideration of Engrossed Substitute House Bill No. 1175 which had been deferred on April 19, 2011 and a ruling issued earlier in the day."

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted:

On page 14, after line 25 of the amendment, insert the following:

"(13) \$90,000 of the highway safety account--state appropriation is provided solely for identification verification purposes as required under RCW 46.20.035. Consistent with this requirement, if an applicant for a driver's license, driver's instruction permit, juvenile agricultural driving permit, or identocard does not provide a valid social security number as part of their application process as required in RCW 26.23.150, the department shall verify the identity of the applicant through the systematic alien verification for entitlements program administered by the United States citizenship and immigrations services. If the applicant's identity cannot be verified, the application must be denied."

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Brown: "Thank you Mr. President. I would request a ruling to whether the amendment violates Senate Rules 66 and 25 in the same way that an earlier amendment was a violation of senate rules. The amendment attempts to make a substantive law change in the transportation budget. I therefore request that the amendment be ruled out of order."

Senator Benton spoke against the point of order.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Brown asserting that Amendment # 388 includes substantive law in violation of Senate Rules 25 and 66, the President finds and rules as follows:

Very generally, the proposed amendment by Senator Benton seeks to include in the transportation budget language in the transportation budget language identity verification requirements for applicants seeking various permits and licenses.

The President does believe that this amendment is more tightly connected to funding—and, therefore, closer to being a proviso as opposed to substantive law—than was the last amendment offered on this same subject. Nonetheless, this amendment still impermissibly adds substantive law into a budget bill.

One general test to determine whether policy language is an appropriate budget proviso as opposed to substantive law is whether or not the language, if separated from its associated funding, would still function. This test is imperfect and incomplete, but it provides a general starting point that is useful in making such determinations. Simply put, any policy language must serve to modify an appropriation, not function as an independent mandate.

In the case of the amendment before us, it is true that there is an appropriation of \$90,000 which the language purports to limit. Looking carefully at the full amendment, however, it becomes clear that the proviso language—by its own terms—seeks to effectively modify the requirements found in another statute, disconnected from the funding and appropriation made within the budget, itself. In this sense, the language would operate irrespective of any funding amount, and it is thus properly viewed as substantive law, not a limited proviso.

For these reasons, and consistent with his earlier ruling on this same subject matter on this same budget, the President believes this amendment would violate Rules 25 and 66, and Senator Brown's point is well-taken."

MOTION

Senator Nelson moved that the following amendment by Senator Nelson and others to the striking amendment be adopted:

On page 30, after line 27 of the amendment, insert the following:

"Puget Sound Capital Construction Account--State Appropriation.....	\$4,000,000
TOTAL APPROPRIATION	\$471,773,000"

On page 30, at the beginning of line 28 of the amendment, strike "The appropriation in this section is" and insert "The appropriations in this section are"

On page 32, beginning on line 22 of the amendment, strike all of subsection (12)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 48, line 16 of the amendment, strike "\$68,013,000" and insert "\$64,013,000"

On page 48, line 25 of the amendment, strike "\$283,341,000" and insert "\$279,341,000"

On page 48, line 28 of the amendment, strike "\$68,013,000" and insert "\$64,013,000"

On page 51, line 14 of the amendment, strike "\$7,167,000" and insert "\$3,167,000"

WITHDRAWAL OF AMENDMENT

On motion of Senator Nelson, the amendment by Senator Nelson and others on page 30, line 27 to the striking amendment to Engrossed Substitute House Bill No. 1175 was withdrawn.

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt to the striking amendment be adopted:

On page 30, line 27 of the amendment, strike "\$467,773,000" and insert "\$470,773,000"

On page 34, after line 18 of the amendment, insert the following:

"(21) \$3,000,000 of the Puget Sound ferry operations account--state appropriation is provided solely for fuel costs related to bio-diesel requirements."

On page 81, after line 35 of the amendment, strike all of section 706

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 171, line 3 of the title amendment, after "46.63.160," strike "43.19.642,"

Senator Hewitt spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 30, line 27 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Hewitt failed and the amendment to the striking amendment was not adopted by voice vote.

POINT OF ORDER

Senator Ericksen: "Thank you Mr. President. Pursuant to Rule 25 of the Senate Rules and pursuant to your rulings earlier today I request a ruling with regards to section 701, 704, 706 and 710 of the striking amendment for being outside the scope and object of the underlying bill. Section 701 makes a policy change to the public private partnership statute currently in state law. Section 704 makes a policy change with regards of the use of red light cameras for enforcement in Washington State. Section 706 makes a policy change with regards with the use of bio-fuels in our state ferry fleet and section 710 makes a policy change with regards to the threshold with work being conducted by ferries labor unions. Mr. President, I would argue that the amendments in the striker violate Rule 25 by addressing issues that are policy in nature and not budget in nature."

Senator Haugen spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 1175 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5385, by Senators Regala, Ranker, Rockefeller and Fraser

Increasing revenue to the state wildlife account.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5385 was substituted for Senate Bill No. 5385 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Schoesler spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

MOTION

On motion of Senator Ericksen, Senators Baxter and Delvin were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Brown, Chase, Conway, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Swecker, Tom, White and Zarelli

Voting nay: Senators Baumgartner, Benton, Carrell, Ericksen, Holmquist Newbry, Roach, Sheldon and Stevens

Excused: Senators Baxter, Delvin and Parlette

SUBSTITUTE SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1128, by House Committee on Ways & Means (originally sponsored by Representatives Roberts, Carlyle, Kagi, Walsh, Orwall, Goodman, Reykdal, Kenney, Maxwell, Appleton, Hunt and Pettigrew)

Providing for extended foster care. Revised for 2nd Substitute: Providing support for eligible foster youth up to age twenty-one.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The Washington state legislature has consistently provided national leadership on safe housing and support to foster youth transitioning out of foster care. Since 2006, the legislature has addressed the needs of foster youth aging out of care with Medicaid to twenty-one (2007), foster care to twenty-one (2006), the independent youth housing program (2007), and Washington's alignment with the federal fostering connections act (2009). As a result of this national leadership to provide safe and basic housing to youth aging out of foster care, the programs have demonstrated the significant cost benefit to providing safe housing to our youth exiting foster care.

The United States congress passed the fostering connections to success and increasing adoptions act of 2008 in order to give states another financial tool to continue to provide foster care services to dependent youth who turn eighteen years old while in foster care. However, substantially declining revenues have resulted in markedly decreased funds for states to use to meet the federal requirements necessary to help these youth. Current fiscal realities require that the scope of programs must be narrowed.

The Washington state legislature intends to serve, within the resources available, the maximum number of foster youth who are legally dependent on the state and who reach the age of eighteen while still in foster care. The legislature intends to provide these youth continued foster care services to support basic and healthy transition into adulthood. The legislature recognizes the extremely poor outcomes of unsupported foster youth aging out of the foster care system and is committed to ensuring that those foster youth who engage in positive, age-appropriate activities receive support. It is the intent of the legislature to fully engage in the fostering connections act by providing support, including extended court

supervision to foster youth pursuing a high school diploma or GED to age twenty-one with the goal of increasing support to all children up to age twenty-one who are eligible under the federal fostering connections to success act as resources become available.

Sec. 2. RCW 13.04.011 and 2010 c 150 s 4 are each amended to read as follows:

For purposes of this title:

(1) "Adjudication" has the same meaning as "conviction" in RCW 9.94A.030, but only for the purposes of sentencing under chapter 9.94A RCW;

(2) Except as specifically provided in RCW 13.40.020 and chapters 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;

(3) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.020;

(4) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(5) "Parent" or "parents," except as used in chapter 13.34 RCW, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

(6) "Custodian" means that person who has the legal right to custody of the child.

Sec. 3. RCW 13.34.030 and 2010 1st sp.s. c 8 s 13, 2010 c 272 s 10, and 2010 c 94 s 6 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," ~~((and))~~ "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; ~~((or))~~

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's

psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(9) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(10) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(11) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(12) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, disability lifeline benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(13) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(14) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(15) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

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(16) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(17) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

(19) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031.

Sec. 4. RCW 74.13.020 and 2010 c 291 s 3 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means the management of services delivered to children and families in the child welfare system, including permanency services, caseworker-child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(8) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(9) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(10) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(11) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(12) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section.

(13) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

Sec. 5. RCW 74.13.031 and 2009 c 520 s 51, 2009 c 491 s 7, and 2009 c 235 s 2 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for

adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) ~~((Have authority to))~~ Provide continued ~~((foster care or group care as needed))~~ extended foster care services to youth ages eighteen to twenty-one years to participate in or complete a ~~((high school or vocational school))~~ secondary education program or a secondary education equivalency program.

(11) ~~((a))~~ Within amounts appropriated for this specific purpose, have authority to provide continued foster care or group care to youth ages eighteen to twenty-one years who are:

(i) Enrolled and participating in a postsecondary or vocational educational program;

(ii) Participating in a program or activity designed to promote or remove barriers to employment;

(iii) Engaged in employment for eighty hours or more per month; or

(iv) Incapable of engaging on any of the activities described in (a)(i) through (iii) of this subsection due to a medical condition that is supported by regularly updated information.

(b) A youth who remains eligible for placement services or benefits pursuant to department rules may continue to receive placement services and benefits until the youth reaches his or her twenty-first birthday.

(12) Within amounts appropriated for this specific purpose,) Have authority to provide adoption support benefits, or ((subsidized)) relative guardianship ((benefits)) subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a ((subsidized)) relative guardianship at age sixteen or older and who ((are engaged in one of the activities)) meet the criteria described in subsection (((11))) (10) of this section.

~~((13))~~ (12) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

~~((14))~~ (13) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this

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section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

~~((14))~~ (14) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

~~((15))~~ (15) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

~~((16))~~ (16) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Sec. 6. RCW 13.34.145 and 2009 c 520 s 30, 2009 c 491 s 4, and 2009 c 477 s 4 are each reenacted and amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall

review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

The court will inquire whether the child has been provided information about extended foster care services.

(ii) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(~~(5)~~)(6), and 13.34.096; and

(ii) If the department or supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in

accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 13.34 RCW to read as follows:

(1) In order to facilitate the delivery of extended foster care services, the court shall postpone for six months the dismissal of a dependency proceeding for any child who is a dependent child in foster care at the age of eighteen years and who, at the time of his or her eighteenth birthday, is enrolled in a secondary education program or a secondary education equivalency program. The six-month postponement under this subsection is intended to allow a reasonable window of opportunity for an eligible youth who reaches the age of eighteen to request extended foster care services from the department or supervising agency. At the end of the six-month period, the court shall dismiss the dependency if the youth has not requested extended foster care services from the department. Until the youth requests to participate in the extended foster care program, the department is relieved of supervisory responsibility for the youth.

(2) A youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian shall be dismissed from the dependency proceeding when the youth reaches the age of eighteen years.

(3) The court shall order a youth participating in extended foster care services to be under the placement and care authority of the department, subject to the youth's continuing agreement to participate in extended foster care services.

(4) The court shall appoint counsel to represent a youth, as defined in RCW 13.34.030(2)(b), in dependency proceedings under this section.

(5) The case plan for and delivery of services to a youth receiving extended foster care services is subject to the review requirements set forth in RCW 13.34.138 and 13.34.145, and should be applied in a developmentally appropriate manner, as they relate to youth age eighteen to twenty-one years. Additionally, the court shall consider:

(a) Whether the youth is safe in his or her placement;

(b) Whether the youth continues to be eligible for extended foster care services;

(c) Whether the current placement is developmentally appropriate for the youth;

(d) The youth's development of independent living skills; and

(e) The youth's overall progress toward transitioning to full independence and the projected date for achieving such transition.

(6) Prior to the hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review.

(7) Upon the request of the youth, or when the youth is no longer eligible to receive extended foster care services according to rules adopted by the department, the court shall dismiss the dependency.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

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(1) Within amounts appropriated for this specific purpose, the department shall have authority to provide continued foster care or group care to youth ages eighteen to twenty-one years who are:

(a) Enrolled in a secondary education program or a secondary education equivalency program;

(b) Enrolled and participating in a postsecondary or vocational educational program;

(c) Participating in a program or activity designed to promote or remove barriers to employment;

(d) Engaged in employment for eighty hours or more per month; or

(e) Incapable of engaging in any of the activities described in (a) through (d) of this subsection due to a medical condition that is supported by regularly updated information.

(2) A youth who remains eligible for placement services or benefits under this section pursuant to department rules may, within amounts appropriated for this specific purpose, continue to receive placement services and benefits until the youth reaches his or her twenty-first birthday."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Second Substitute House Bill No. 1128.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.04.011 and 74.13.020; reenacting and amending RCW 13.34.030, 74.13.031, and 13.34.145; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1128 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1128 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1128 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Baxter, Delvin and Parlette

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SECOND SUBSTITUTE HOUSE BILL NO. 1128 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2017, by House Committee on Ways & Means (originally sponsored by Representative Hunter)

Transferring the master license service program to the department of revenue. Revised for 1st Substitute: Concerning the master license service program.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Substitute House Bill No. 2017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2017.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2017 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker, Tom, White and Zarelli

Voting nay: Senators Baumgartner, Baxter, Benton, Carrell, Ericksen, Holmquist Newbry, Roach, Schoesler, Sheldon and Stevens

Excused: Senator Parlette

SUBSTITUTE HOUSE BILL NO. 2017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2019, by Representative Dunshee

Concerning the deposit of the additional cigarette tax.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, House Bill No. 2019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2019.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2019 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Baxter, Becker, Brown, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom, White and Zarelli

Voting nay: Senators Baumgartner, Benton, Carrell, Delvin, Hill, Holmquist Newbry, Roach and Stevens

Excused: Senator Parlette

HOUSE BILL NO. 2019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1312, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Green and Kenney)

Regarding statutory changes needed to implement a waiver to receive federal assistance for certain state purchased public health care programs.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1312 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senator Parlette

SUBSTITUTE HOUSE BILL NO. 1312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ranker, Senator Pridemore was excused.

MOTION

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

MESSAGE FROM THE HOUSE

April 13, 2011

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1037 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on Substitute House Bill No. 1037 and pass the bill without the Senate amendment(s).

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on Substitute House Bill No. 1037 and pass the bill without Senate amendment(s).

The motion by Senator Hargrove carried and the Senate receded from its position on Substitute House Bill No. 1037 and pass the bill without the Senate amendment(s)) by voice vote.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1037, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Absent: Senator Kline

Excused: Senator Parlette

SUBSTITUTE HOUSE BILL NO. 1037, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2011

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1046 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

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MOTION

Senator King moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1046.

The President declared the question before the Senate to be motion by Senator King that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1046.

The motion by Senator King carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1046 by voice vote.

MOTION

On motion of Senator King, the rules were suspended and Substitute House Bill No. 1046 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1046, by House Committee on Transportation (originally sponsored by Representatives Moeller, Condotta and Morris)

Concerning vehicle and vessel quick title.

The measure was read the second time.

MOTION

Senator King moved that the following striking amendment by Senators King and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.12 RCW under the subchapter heading "general provisions" to read as follows:

(1) The application for a quick title of a vehicle must be submitted by the owner or the owner's representative to the department, participating county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the vehicle, including make, model, vehicle identification number, type of body, and the odometer reading at the time of delivery of the vehicle, when required;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party; and

(c) Other information as may be required by the department.

(2) The application for a quick title must be signed by the person applying to be the registered owner and be sworn to by that person in the manner described under RCW 9A.72.085. The department must keep a copy of the application.

(3) The application for a quick title must be accompanied by:

(a) All fees and taxes due for an application for a certificate of title, including a quick title service fee under section 2 of this act; and

(b) The most recent certificate of title or other satisfactory evidence of ownership.

(4) All applications for quick title must meet the requirements established by the department.

(5) For the purposes of this section, "quick title" means a certificate of title printed at the time of application.

(6) The quick title process authorized under this section may not be used to obtain the first title issued to a vehicle previously designated as a salvage vehicle as defined in RCW 46.04.514.

(7) A subagent may process a quick title under this section only after (a) the department has instituted a process in which blank certificates of title can be inventoried; (b) the county auditor of the county in which the subagent is located has processed quick titles for a minimum of six months; and (c) the county auditor approves a request from a subagent in its county to process quick titles.

NEW SECTION. Sec. 2. A new section is added to chapter 46.17 RCW under the subchapter heading "certificate of title fees" to read as follows:

Before accepting an application for a quick title of a vehicle under section 1 of this act, the department, participating county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fifty dollar quick title service fee in addition to any other fees and taxes required by law. The quick title service fee must be distributed under section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 46.68 RCW to read as follows:

(1) The quick title service fee imposed under section 2 of this act must be distributed as follows:

(a) If the fee is paid to the director, the fee must be deposited to the motor vehicle fund established under RCW 46.68.070.

(b) If the fee is paid to the participating county auditor or other agent or subagent appointed by the director, twenty-five dollars must be deposited to the motor vehicle fund established under RCW 46.68.070. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(2) For the purposes of this section, "quick title" has the same meaning as in section 1 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 88.02 RCW under the subchapter heading "certificates of title" to read as follows:

(1) The application for a quick title of a vessel must be made by the owner or the owner's representative to the department, participating county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the vessel, including make, model, hull identification number, series, and body;

(b) The name and address of the person who is to be the registered owner of the vessel and, if the vessel is subject to a security interest, the name and address of the secured party; and

(c) Other information as may be required by the department.

(2) The application for a quick title must be signed by the person applying to be the registered owner and be sworn to by that person in the manner described under RCW 9A.72.085. The department must keep a copy of the application.

(3) The application for a quick title must be accompanied by:

(a) All fees and taxes due for an application for a certificate of title, including a quick title service fee under RCW 88.02.640(1); and

(b) The most recent certificate of title or other satisfactory evidence of ownership.

(4) All applications for quick title must meet the requirements established by the department.

(5) For the purposes of this section, "quick title" means a certificate of title printed at the time of application.

(6) A subagent may process a quick title under this section only after (a) the department has instituted a process in which blank certificates of title can be inventoried; (b) the county auditor of the county in which the subagent is located has processed quick titles for a minimum of six months; and (c) the county auditor approves a request from a subagent in its county to process quick titles.

Sec. 5. RCW 88.02.640 and 2010 c 161 s 1028 are each amended to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge the following vessel fees:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsections (3) and (4) of this section	Subsection (3) of this section
(c) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
(d) Filing	RCW 46.17.005	RCW 46.17.005	RCW 46.68.440
(e) License plate technology	RCW 46.17.015	RCW 46.17.015	RCW 46.68.400
(f) License service	RCW 46.17.025	RCW 46.17.025	RCW 46.68.220
(g) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection (6) of this section
(h) <u>Quick title service</u>	<u>\$50.00</u>	<u>Section 4(3) of this act</u>	<u>Subsection (7) of this section</u>
(i) Registration	\$10.50	RCW 88.02.560(2)	General fund
((+)) (j) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
((+)) (k) Title application	\$5.00	RCW 88.02.515	General fund
((+)) (l) Transfer	\$1.00	RCW 88.02.560(7)	General fund
((+)) (m) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	General fund

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3)(a) Until June 30, 2012, the derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

(i) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

(ii) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667;

(iii) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

(iv) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(b) On and after June 30, 2012, the derelict vessel and invasive species removal fee is two dollars and must be deposited into the derelict vessel removal account created in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds

deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollar derelict vessel and invasive species removal fee must be suspended for the following fiscal year.

(4) Until January 1, 2014, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge:

(a) Is to address the significant backlog of derelict vessels accumulated in Washington state waters that pose a threat to the health and safety of the people and to the environment;

(b) Is to be used only for the removal of vessels that are less than seventy-five feet in length; and

(c) Must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.655.

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.655; and

(d) Any fees required for licensing agents under RCW 46.17.005 are in addition to any other fee or tax due for the titling and registration of vessels.

(7)(a) The fifty dollar quick title service fee must be distributed as follows:

(i) If the fee is paid to the director, the fee must be deposited to the general fund.

(ii) If the fee is paid to the participating county auditor or other agent or subagent appointed by the director, twenty-five dollars must be deposited to the general fund. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(b) For the purposes of this subsection, "quick title" has the same meaning as in section 4 of this act.

NEW SECTION. Sec. 6. This act applies to quick title transactions processed on and after January 1, 2012.

NEW SECTION. Sec. 7. This act takes effect January 1, 2012."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators King and Haugen to Substitute House Bill No. 1046.

The motion by Senator King carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "title;" strike the remainder of the title and insert "amending RCW 88.02.640; adding a new section to chapter 46.12 RCW; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 88.02 RCW; creating a new section; and providing an effective date."

MOTION

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On motion of Senator King, the rules were suspended, Substitute House Bill No. 1046 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1046 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1046 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom, White and Zarelli

Voting nay: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Ericksen, Holmquist Newbry, Roach and Stevens

Excused: Senator Parlette

SUBSTITUTE HOUSE BILL NO. 1046 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2011

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1081 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 1081 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 1081 and request of the House a conference thereon.

The motion by Senator Rockefeller carried and the Senate insisted on its position in the Senate amendment(s) to Substitute House Bill No. 1081 and requested of the House a conference thereon by voice vote.

MOTION TO RECONSIDER THE MOTION

Senator Rockefeller moved to immediately reconsider the motion to insist on its position in the Senate amendment(s) to Substitute House Bill No. 1081 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Rockefeller to immediately reconsider the motion to insist on its position in the Senate amendment(s) to

Substitute House Bill No. 1081 and request of the House a conference thereon.

The motion by Senator Rockefeller to reconsider the motion carried by a voice vote.

MOTION

Senator Rockefeller moved that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 1081 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 1081 and ask the House to concur thereon.

The motion by Senator Rockefeller carried and the Senate insisted on its position in the Senate amendment(s) to Substitute House Bill No. 1081 and asked the House to concur thereon by voice vote.

MESSAGE FROM THE HOUSE

April 18, 2011

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1546.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1546.

The motion by Senator McAuliffe carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1546 by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Engrossed Second Substitute House Bill No. 1546 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546, by House Committee on Ways & Means (originally sponsored by Representatives Hargrove, Hunt, Dammeyer, Pettigrew, Liias, Smith, Anderson, Fagan, Kretz, Dahlquist, Angel, Zeiger, Jinkins and Finn)

Authorizing creation of innovation schools and innovation zones in school districts.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Litzow be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) School district boards of directors are encouraged to support the expansion of innovative K-12 school or K-12 program models, with a priority on models focused on the arts, science, technology, engineering, and mathematics (A-STEM) that partner with business, industry, and higher education to increase A-STEM pathways that use project-based or hands-on learning for elementary, middle, and high school students; and

(b) Particularly in schools and communities that are struggling to improve student academic outcomes and close the educational opportunity gap, there is a critical need for innovative models of public education, with a priority on models that are tailored to A-STEM-related programs that implement interdisciplinary instructional delivery methods that are engaging, rigorous, and culturally relevant at each grade level.

(2) Therefore, the legislature intends to create a framework for change that includes:

(a) Leveraging community assets;

(b) Improving staff capacity and effectiveness;

(c) Developing family, school, business, industry, A-STEM professionals, and higher education partnerships in A-STEM education at all grade levels that can lead to industry certification or dual high school and college credit;

(d) Implementing evidence-based practices proven to be effective in reducing demographic disparities in student achievement; and

(e) Enabling educators and parents of selected schools and school districts to restructure school operations and develop model A-STEM programs that will improve student performance and close the educational opportunity gap.

NEW SECTION. Sec. 2. (1) The office of the superintendent of public instruction shall develop a process for school districts to apply to have one or more schools within the district designated as an innovation school, with a priority on schools focused on the arts, science, technology, engineering, and mathematics (A-STEM) that actively partners with the community, business, industry, and higher education, and uses project-based or hands-on learning. A group of schools that share common interests, such as geographical location, or that sequentially serve classes of students as they progress through elementary and secondary grades may be designated as an innovation zone. An innovation zone may include all schools within a school district. Consortia of multiple districts may also apply for designation as an innovation zone, to include all schools within the participating districts.

(2) Applications requesting designation of innovation schools or innovation zones must be developed by the school district in collaboration with educators, parents, businesses, industries, and the communities of participating schools. School districts must ensure that each school has substantial opportunity to participate in the development of the innovation plan under section 4 of this act.

(3) The office of the superintendent of public instruction shall develop common criteria for reviewing applications and for evaluating the need for waivers of state statutes and administrative rules as provided under section 5 of this act.

NEW SECTION. Sec. 3. (1) Applications to designate innovation schools and innovation zones must be submitted by school district boards of directors to their respective educational service districts by January 6, 2012, to be implemented beginning in the 2012-13 school year. Innovation plans must be able to be implemented without supplemental state funds.

(2) Each educational service district boards of directors shall review applications from within the district using the common criteria developed by the office of the superintendent of public instruction. Each educational service district shall recommend approval by the office of the superintendent of public instruction of no more than three applications from within each educational service district, no fewer than two of which must be focused on A-STEM-related innovations and no more than one of which may focus on other innovations. However, any educational service district with over three hundred fifty thousand full-time equivalent students may recommend approval of no more than ten applications from within the educational service district, no fewer than half of which must be focused on A-STEM-related innovations and no more than half of which may focus on other innovations. At least one of the recommended applications in each educational service district must propose an innovation zone, as long as the application meets the review criteria.

(3) The office of the superintendent of public instruction shall approve the innovation plans of the applicants recommended by the educational service districts. School districts that have applied shall be notified by March 1, 2012, whether they were selected.

(4) Designation of innovation schools and innovation zones under this section shall be for a six-year period, beginning in the 2012-13 school year, unless the designation is revoked in accordance with section 7 of this act.

NEW SECTION. Sec. 4. (1) Each application for designation of an innovation school or innovation zone must include a proposed plan that:

(a) Defines the scope of the innovation school or innovation zone and describes why designation would enhance the ability of the school or schools to improve student achievement and close the educational opportunity gap including by implementing a program focused on the arts, science, technology, engineering, and mathematics themes that partner with the community, business, industry, and higher education and use project-based or hands-on learning;

(b) Enumerates specific, research-based activities and innovations to be carried out under the designation;

(c) Justifies each request for waiver of state statutes or administrative rules as provided under section 5 of this act;

(d) Justifies any requests for waiver of state statutes or administrative rules that are in addition to the waivers authorized under section 5 of this act that are necessary to carry out the proposed innovations;

(e) Identifies the improvements in student achievement and the educational opportunity gap that are expected to be accomplished through the innovations;

(f) Includes budget plans and anticipated sources of funding, including private grants and contributions, if any;

(g) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, educational service districts, businesses, industries, or consultants available to provide such services;

(h) Identifies the multiple measures for evaluation and accountability to be used to measure improvement in student achievement, closure in the educational opportunity gap, and the overall performance of the innovation school or innovation zone, including but not limited to assessment scores, graduation rates, and dropout rates;

(i) Includes a written statement that school directors and administrators are willing to exempt the designated school or schools from specifically identified local rules, as needed;

(j) Includes a written statement that school directors and local bargaining agents will modify those portions of their local agreements as applicable for the designated school or schools;

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(k) Includes written statements of support from the district's board of directors, the superintendent, the principal and staff of schools seeking designation, each local employee association affected by the proposal, the local parent organization, and statements of support, willingness to participate, or concerns from any interested parent, business, institution of higher education, or community organization; and

(l) Commits all parties to work cooperatively during the term of the pilot project.

(2) A plan to designate an innovation school or innovation zone must be approved by a majority of the staff assigned to the school or schools participating in the plan.

NEW SECTION. Sec. 5. (1)(a) The superintendent of public instruction and the state board of education, each within the scope of their statutory authority, may grant waivers of state statutes and administrative rules for designated innovation schools and innovation zones as follows:

(i) Waivers may be granted under RCW 28A.655.180 and 28A.305.140;

(ii) Waivers may be granted to permit the commingling of funds appropriated by the legislature on a categorical basis for such programs as, but not limited to, highly capable students, transitional bilingual instruction, and learning assistance; and

(iii) Waivers may be granted of other administrative rules that in the opinion of the superintendent of public instruction or the state board of education are necessary to be waived to implement an innovation school or innovation zone.

(b) State administrative rules dealing with public health, safety, and civil rights, including accessibility for individuals with disabilities, may not be waived.

(2) At the request of a school district, the superintendent of public instruction may petition the United States department of education or other federal agencies to waive federal regulations necessary to implement an innovation school or innovation zone.

(3) The state board of education may grant waivers for innovation schools or innovation zones of administrative rules pertaining to calculation of course credits for high school courses.

(4) Waivers may be granted under this section for a period not to exceed the duration of the designation of the innovation school or innovation zone.

(5) The superintendent of public instruction and the state board of education shall provide an expedited review of requests for waivers for designated innovation schools and innovation zones. Requests may be denied if the superintendent of public instruction or the state board of education conclude that the waiver:

(a) Is likely to result in a decrease in academic achievement in the innovation school or innovation zone;

(b) Would jeopardize the receipt of state or federal funds that a school district would otherwise be eligible to receive, unless the school district submits a written authorization for the waiver acknowledging that receipt of these funds could be jeopardized; or

(c) Would violate state or federal laws or rules that are not authorized to be waived.

NEW SECTION. Sec. 6. (1) The office of the superintendent of public instruction shall report to the education committees of the legislature on the progress of the designated innovation schools and innovation zones by January 15, 2013, and January 15th of each odd-numbered year thereafter. The report must include recommendations for waiver of state laws and administrative rules in addition to the waivers authorized under section 5 of this act, as identified in innovation plans submitted by school districts.

(2) Each innovation school and innovation zone must submit an annual report to the office of the superintendent of public instruction on their progress.

(3) The office of the superintendent of public instruction, through the center for the improvement of student learning, must collect and disseminate to all school districts and other interested parties information about the innovation schools and innovation zones.

NEW SECTION. Sec. 7. After reviewing the annual reports of each innovation school and zone, if the office of the superintendent of public instruction determines that the school or zone is not increasing progress over time as determined by the multiple measures for evaluation and accountability provided in the school or zone plan in accordance with section 4 of this act then the superintendent shall revoke the designation.

Sec. 8. RCW 28A.305.140 and 1990 c 33 s 267 are each amended to read as follows:

(1) The state board of education may grant waivers to school districts from the provisions of RCW 28A.150.200 through 28A.150.220 on the basis that such waiver or waivers are necessary to:

(a) Implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program; or

(b) Implement an innovation school or innovation zone designated under section 3 of this act.

(2) The state board shall adopt criteria to evaluate the need for the waiver or waivers.

Sec. 9. RCW 28A.655.180 and 2009 c 543 s 3 are each amended to read as follows:

(1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district or to implement an innovation school or innovation zone designated under section 3 of this act.

(2) School districts may use the application process in RCW 28A.305.140 to apply for the waivers under this section.

NEW SECTION. Sec. 10. Sections 2 through 7 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 11. This act expires June 30, 2019." Senator McAuliffe spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Litzow to Engrossed Second Substitute House Bill No. 1546.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "authorizing creation of innovation schools and innovation zones focused on science, technology, engineering, and mathematics in school districts; amending RCW 28A.305.140 and 28A.655.180; adding new sections to chapter 28A.630 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 1546 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Litzow spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1546 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1546 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senator Ericksen

Absent: Senator Regala

Excused: Senator Parlette

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1546 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:10 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:23 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5540,
SUBSTITUTE SENATE BILL NO. 5579,
SUBSTITUTE SENATE BILL NO. 5590,
SUBSTITUTE SENATE BILL NO. 5784.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1175 which had been deferred earlier in the day.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and King to the striking amendment be adopted:

On page 34, after line 18 of the amendment, insert the following:

"(21) If chapter ... (Substitute House Bill No. 2053), Laws of 2011 (additive transportation funding) is not enacted by June 30, 2011, the \$4,000,000 in service reductions identified in subsection (12) of this section must be restored and an identical amount must be reduced from the amount provided for the second 144-car vessel identified in section 308(8) of this act."

Senators Haugen, King and Ranker spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 34, after line 18 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and King to the striking amendment be adopted:

On page 41, on line 22 of the amendment, after "project (300504A)." strike all material through "complete." and insert the following:

"The use of funds in this subsection to renovate any buildings is subject to the requirements of section 604 of this act. The department shall report to the legislature and the office of financial management on any costs associated with building renovations funded in this subsection."

Senator Haugen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 41, line 22 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted:

On page 42, line 3, after "project." insert "The amounts provided in this subsection are contingent upon an affirmative vote of the citizens of Clark county supporting advancement of the project."

Senators Benton and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 42, line 3 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 42, line 12, after "tolls", insert ", subject to a vote of the people in Clark County"

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

Senator Benton demanded a roll call.

MOTION

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On motion of Senator Delvin, Senator Ericksen was excused.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 42, line 12 to the striking amendment to Engrossed Substitute House Bill No. 1175.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton to the striking amendment and the amendment was not adopted by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Delvin, Hewitt, Hill, Holmquist Newbry, Honeyford, Morton, Pridemore, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and White

Excused: Senators Ericksen and Parlette

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted:

On page 42, at the beginning of line 12 of the amendment, strike "on the existing Columbia river crossing or"

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 42, line 12 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Nelson to the striking amendment be adopted:

On page 44, line 16 of the amendment, after "corridor." Insert the following:

"The comprehensive tolling study of the SR 509 corridor may not consider tolling existing roadways."

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the amendment by Senators Keiser and Nelson on page 44, line 16 to the striking amendment to Engrossed Substitute House Bill No. 1175 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senators Keiser and Nelson to the striking amendment be adopted:

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Nelson on page 44, line 16 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and King to the striking amendment be adopted:

On page 49, line 33 of the amendment, after "The" strike all material through "the"

On page 49, line 33 of the amendment, after "vendor" strike "to" and insert "must"

On page 49, line 35 of the amendment, after "management," strike all material through "contract" and insert "by August 15, 2011"

On page 49, line 35 of the amendment, after "list of" strike "design"

On page 49, line 38, after "vessel. The" strike "contract" and insert "vendor"

Senators Haugen and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 49, line 33 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and King to the striking amendment be adopted:

On page 55, line 2 of the amendment, strike "\$12,117,000", and insert "\$15,117,000"

On page 55, line 8 of the amendment, strike "\$91,169,000", and insert "\$94,169,000"

Senator Haugen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 55, line 2 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 14, after line 25 of the amendment, insert the following:

"(13) \$245,769,000 of the appropriation is provided solely for Department of Licensing activities. If chapter ... (Substitute Senate Bill No. 5407), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses."

Senator Benton spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Eide: "Pursuant to rule, Reed's Rule 130, I believe this amendment is out of order. Under Rule 130 second reading is

by paragraphs or sections and each paragraph or section is amended in its turn. We have already addressed and failed amendment number 386 which was amended to section bill occurring on page 30. We amended number 396 which amendment to page 14 and, under Rule 130, it's not permissible to reoccur to a paragraph or section that's already passed. Therefore, I ask Mr. President that you rule that this amendment is out of order."

Senator Benton spoke against the point of order.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Eide as to amendment number 396, the President finds and rules a follows:

Senator Eide argues that Reed's Rule 130 requires that amendments be considered in paragraph order, such that—once the body has moved beyond a particular section—it may not go back to a previous paragraph absent the consent of the body. Senator Eide is correct: the Senate may not consider an amendment to a section which has previously been available or considered for amendment without leave of the body. The rationale of this rule is to avoid confusion by ensuring that amendments are taken in a logical and consistent manner, and the body's time is not wasted by continuously revisiting matters already considered or sections already gone by.

For these reasons, Senator Eide's point is well-taken, and the amendment may not be considered without leave of the body."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. I'd like to ask for further clarification since the order in which the amendment is considered by the Senate is completely out of my control and up to staff and people that run the senate. Why wasn't the amendment presented to the body at the proper time. It was on the bar and ready to be presented under the proper section..."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the President will respond and will respond once. The amendment was provided to us after we had considered other amendments beyond that section. It was not presented to us at the time we were considering that section."

Senator Benton moved that the Senate consider the following amendment:

On page 14, after line 25 of the amendment, insert the following:

"(13) \$245,769,000 of the appropriation is provided solely for Department of Licensing activities. If chapter ... (Substitute Senate Bill No. 5407), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses."

POINT OF ORDER

Senator Eide: "Under Reed's Rule 212, a member may not abuse the rules of the body in order to obstruct public business. Under Rule 49 of Reed's Rules a member is not to make use of even proper parliamentary motions to impede unreasonably the actions of the assembly. This is the third amendment, I think it might even be the fourth at this point in time dealing with the same issue. This is the first of two amendments that have been ruled out of order by the President and I believe the further

amendments are a violation of the Rule 212. Under Reeds Rule 225 the President has the authority to prevent a member from impeding the business of the body through the use of a debate and parliamentary maneuverings. I ask that the President to find that this out of order and allow the body to move on to debating the bill. Thank you."

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, your point would be well taken had Senator Benton had not asked for the consent of the body. If the body consents, then we can go back to it. That not being the case, the President would have warned Senator Benton that he was treading on the exact rules that you have pointed out because it is the third time that we are considering the same amendment. So Senator Benton has moved that the body consider amendment number 396."

Senator Schoesler demanded a roll call on the motion by Senator Benton that the Senate consider amendment by Senator Benton on page 14, line 25 to Engrossed Substitute House Bill No. 1175.

The President declared that one-sixth of the members supported the demand and the demand was sustained..

PARLIAMENTARY INQUIRY

Senator Sheldon: "If I might read from the Senate Rules Mr. President? Rule 32 states that every decision of points of order by the President shall be subject to appeal by any senator and discussion of a question of order shall be allowed. In all cases of appeal the question shall be 'shall the decision of the President stand as the judgment of the Senate.' Mr. President, aren't we in this situation now that would be governed by Rule 32? Since you have ruled that that amendment is not in order and..."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton has not challenged the President's rule. He is asking for the body's permission to consider an amendment which otherwise could be ruled out of order."

Senator Benton spoke in favor of the motion to adopt the amendment.

PARLIAMENTARY INQUIRY

Senator Eide: "I believe, and I am not certain so I want to ask you this question. The motion before us is whether or not it's all in the parliamentary procedure. This is a procedure. It's not on the amendment itself. Is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That is correct. Senator Benton nor anybody else may actually debate the issue only whether or not to go and give him consent to consider the issue. Senator Hargrove."

PARLIAMENTARY INQUIRY

Senator Hargrove: "Thank you Mr. President. Since my vote on this motion depends on the fact that we would be voting on the amendment, I'm unclear and have a point of parliamentary inquiry as to which version of Substitute Senate Bill No. 5407 we are supposedly considering under this amendment because that

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bill never passed the senate. So, I don't know which, was it the version introduced. Was it the version that was amended in Committee? Was the version we started to work on? I have no idea what we're?"

REPLY BY THE PRESIDENT

President Owen: "Senator, it's not the President's place to tell you what is within the bill but the bill that he is referencing is Substitute Senate Bill No. 5407."

The President declared the question before the Senate to be the motion by Senator Benton that the Senate consider the amendment by Senator Benton on page 14, line 25 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The Secretary called the roll on the motion by Senator Benton and the motion failed by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Tom and White

Excused: Senator Parlette

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Ericksen as to whether Sections 701, 704, 706, and 710 of the striking amendment include changes to substantive law in violation of Senate Rules 25 and 66, the President finds and rules as follows:

The President begins by noting that some of the issues presented are novel and involve complex and interrelated budget provisions, so the President asks for the body's patience as he goes through each section in turn.

Section 701 would amend RCW 47.29.170 to continue the prohibition which prevents the Transportation Commission from accepting or considering unsolicited bids. While the wholesale introduction of such a change to the RCW might go beyond what can properly be done within a budget bill, it should be noted that the change in this case is simply the year involved. Effectively, this change merely continues current law into the next biennium to achieve additional savings for the budget. This section is therefore a proper change.

Section 704 would make changes to RCW 46.63.170 to permit the continued use of traffic cameras in certain areas and for certain purposes as a pilot project. The President does believe that this change could have represented an impermissible substantive change to law had it been raised and challenged prior to the adoption of the last budget back in 2009. It was not, however, challenged, and this law did become part of the statute when the budget was enacted. Substantive or not, it is current law, and the modifications contemplated by the amendment before us for this budget again merely change the dates to continue these pilot projects into the next biennium. This section is also, therefore, a proper change.

Section 706 would amend RCW 43.19.642 to exempt the state ferry system from the biodiesel use requirements found in that statute. This change is properly limited to the fiscal biennium to achieve cost savings, and it is therefore a permissible amendment.

Section 710 would amend RCW 47.28.030 to provide an exception to certain bid requirements for ferry system work. While the current law does include a similar exception, that

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particular law is set to expire at the end of this fiscal year. Rather than simply change this date, the proposed changes in this section actually change the date and the dollar threshold. This adds an entirely new section to the statute in question. The President believes this constitutes an impermissible change to substantive law, effectively acting as an additional subject. The President believes that there are many possible ways the same or similar policy could properly be included as a budget proviso, so the President wishes to be clear that he is ruling on the technical language of the section, not the underlying policy or savings to be achieved.

The President believes that some explanatory and cautionary remarks may be helpful to the body on similar issues in the future. Neither this body nor the courts have exhaustively discussed the limits of budget provisos, and it is unlikely that the President could issue any ruling which would cover every conceivable situation. Nonetheless, the President recognizes that the body has and should have wide latitude in making limited legal changes in order to effect budget savings or realize revenue. Factors to consider include:

1. Whether the change is limited to the fiscal years affected;
2. Whether the proviso or additions were the subject of another bill;
3. Whether rights or eligibility for services are affected; and
4. Whether an express policy found in statute is being contravened, repealed, or modified in a manner which renders the underlying statutory scheme inoperative.

In every case, there should be a connection between the proviso and savings, spending, or raising of revenue achieved within the budget.

The President believes he has simply restated existing law and precedent for the convenience of the body, and he does not believe this ruling should act to invite wholesale challenge of budget provisos or the traditional means of budgeting that have historically been relied upon by the Legislature.

For these reasons, Senator Ericksen's point on Section 710 is well-taken, and therefore this amendment in its present form is not properly before the body for its consideration."

MOTION

Senator Haugen moved that the following amendment by Senator Haugen to the striking amendment be adopted:

On page 87, line 8 of the amendment, after "June 30," strike "2011" and insert "~~(2011)~~ 2013"

On page 87, line 10 of the amendment, after "forces." strike all material through "forces." on line 12

POINT OF ORDER

Senator Benton: "Thank you Mr. President. I few moments ago, about thirty-five minutes ago, this body took action on amendment that would of affected on page 171. In accordance with the Majority Floor Leader's point of order made a few moments ago, according to Reed's Rules the amendment now before us deals with section of the law on page 87. We have long since passed page 87 and therefore going back to page 87 would be in violation in your previous ruling and in violation of Reed's Rules."

POINT OF ORDER

Senator Eide: "In Reed's Rules, section 130 it is the general consent of the body to consider this amendment."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Benton as to amendment number 397, the President finds and rules as follows:

Senator Benton argues that the body is beyond the page and line number for consideration of this amendment as called for under Reed's Rule 130. The President believes, however, that the proper reference for this determination is the substantive amendment language, not the title amendment portion of the amendment that Senator Benton referenced. The title amendment will necessarily always come at the end. The body has not considered an amendment beyond the line and page presented by this amendment.

For these reasons Senator Benton's point is not well-taken, and the amendment is properly before the body."

Senator Haugen spoke in favor of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 87, line 8 to the striking amendment to Engrossed Substitute House Bill No. 1175.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted:

On page 90, after line 3, insert the following:

"NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF LICENSING

Motor Vehicle Account--State Appropriation\$90,000

The appropriations in this section are subject to the following conditions and limitations: The total appropriation is provided solely for implementation of chapter. . . (Substitute Senate Bill no, 5407), Laws of 2011. If the bill is not enacted by June 30, 2011, the amount provided in this subsection lapses."

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 90, after line 3 to the striking amendment to Engrossed Substitute House Bill No. 1175 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen as amended to Engrossed Substitute House Bill No. 1175.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 47.29.170, 46.63.170, 46.63.160, 43.19.642, 43.19.534, 47.01.380, 47.56.403, 43.105.330, 47.64.170, 47.64.270, 47.64.280, 46.68.170, 46.68.370, 47.12.244, 46.68.060, 46.68.220, 47.56.876, and 46.68.--; reenacting and amending RCW 46.18.060 and 47.28.030; amending 2010 c 247 ss 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 307, 308, 401, 402, and 403 (uncodified); amending 2009 c 470 ss 301 and 305 (uncodified); amending 2010 c 283 s 19 (uncodified);

amending 2010 1st sp.s. c 37 s 804 (uncodified); adding a new section to 2010 c 247 (uncodified); creating new sections; repealing 2010 c 161 s 1126; making appropriations and authorizing expenditures for capital improvements; providing an effective date; providing a contingent effective date; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1175 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, King, Hobbs, Fain, White, Becker, Pflug, Shin and Kilmer spoke in favor of passage of the bill.

Senators Carrell and Ericksen spoke against passage of the bill.

PERSONAL PRIVILEGE

Senator Stevens: "Thank you Mr. President. I just wanted to set the record straight. My mother and I were both born in the Twenty-sixth district and I just wanted to correct the Senator to say that you do not have to pay to go to his district, you must pay to leave."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1175 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1175 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom, White and Zarelli

Voting nay: Senators Baxter, Benton, Carrell, Ericksen, Holmquist Newbry, Honeyford, Roach, Schoesler and Stevens

Excused: Senator Parlette

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:08 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, April 21, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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