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SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTY FIFTH DAY

House Chamber, Olympia, Friday, March 27, 2009

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Skye Perkins and Amanda McBride. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Robert MacGregor, City Harvest Church, Vancouver.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2009-4636, by Representatives Roach, Campbell, and Conway

WHEREAS, Wilkeson was first incorporated by the Legislative Assembly of Washington on July 24, 1909; and

WHEREAS, In 1869, Samuel Wilkeson declared the forests of the Cascade Mountains the "most enchanting forest on the globe"; and

WHEREAS, The name of Wilkeson was selected in honor of the railroad pioneer Samuel Wilkeson; and

WHEREAS, Wilkeson was established in 1877 with the opening of the Northern Pacific Railroad Depot and Wilkeson Post Office; and

WHEREAS, In 1877, the Wilkeson depot provided for transportation of the prominent coal and sandstone industries of the region; and

WHEREAS, Coal provided from the city of Wilkeson was instrumental in fueling the region's businesses, families, and shipping industry; and

WHEREAS, The sandstone used to construct the Washington State Capitol came from the sandstone quarry of Wilkeson; and

WHEREAS, The city of Wilkeson maintains a rich historical district with five properties on the State's historical register; and

WHEREAS, Four hundred forty citizens proudly call Wilkeson their home; and

WHEREAS, Wilkeson's centennial birthday will be commemorated by a sandstone monument sculpted by Paul Keeslar; and

WHEREAS, Citizens, elected officials, and community leaders celebrate Wilkeson's historic centennial with a 100th birthday celebration on July 18, 2009;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the city of Wilkeson and residing citizens for celebrating Wilkeson's centennial; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of

Representatives to Wilkeson Mayor Janet Kepka, to the Wilkeson Centennial Committee Chair Donna Hogerhuis, and to the monument's sculptor, Paul Keeslar.

HOUSE RESOLUTION NO. 4636 was adopted.

HOUSE RESOLUTION NO. 2009-4641, by Representatives Green, Warnick, Appleton, Chase, and Kenney

WHEREAS, The Red Hat Society was founded in 1998 by Sue Ellen Cooper of Fullerton, California, as a social organization for women over 50 years old; and

WHEREAS, The Red Hat Society was inspired by Warning, a poem by Jenny Joseph, that starts, "When I am an old woman I shall wear purple/With a red hat that doesn't go and doesn't suit me"; and

WHEREAS, The 50 and over women of The Red Hat Society wear elaborately decorated red hats with purple dresses and clothing, while the junior postulants wear pink hats and lavender clothing until 50, when a "Reduation" takes place, where the pink hat is discarded and a red hat bestowed; and

WHEREAS, There are about 1 million registered members of The Red Hat Society, in 40,000 chapters in the United States and 25 countries; and

WHEREAS, The Red Hat Society, whose motto is "Red Hatters Matter," calls itself a "disorganization" and is proud of its lack of rules and bylaws, but takes seriously its responsibility to have fun; and

WHEREAS, Women of The Red Hat Society come from all walks of life, including working women, grandmothers, retirees, golfers, legislators, and teachers, as well as women who are widowed, married, and single; and

WHEREAS, The mission of The Red Hat Society is to gain higher visibility for aging women and to reshape the way they are viewed by today's culture, while "uniting under the umbrella of a red hat to have fun and bond in sisterhood"; and

WHEREAS, Red Hat Society chapters, which include leaders known as "Queen Mum" and members called "Red Hatters," hold social events, tea parties being the most popular pastime;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate this day by saying goodbye to burdensome responsibilities, at least for a while, and have fun!; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to members of The Red Hat Society.

Representative Green moved the adoption of the resolution.

Representatives Green and Warnick spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4641 was adopted.

INTRODUCTION AND FIRST READING

HB 2326 by Representatives Clibborn and Williams

AN ACT Relating to authorizing bonds for the financing of eligible toll facilities; adding new sections to chapter 47.10 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

March 24, 2009

SSB 5044 Prime Sponsor, Committee on Higher Education & Workforce Development: Changing work-study provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 14, after "(3)" strike all material through "13.04.030" on line 16 and insert "The juvenile court divisions in superior courts within the state have jurisdiction for enforcement of this section"

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

March 24, 2009

E2SSB 5138 Prime Sponsor, Committee on Ways & Means: Creating an integrated climate change response strategy. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that climate change poses a significant threat to Washington's economy, the health and welfare of its population, and its natural resources. Washington's water supply and natural resources are particularly vulnerable to temperature changes and shifts in precipitation patterns and could suffer devastating consequences if adaptive measures are not taken. Even with effective mitigation of climate changing activities, the region will experience inevitable impacts from climate change.

(2) The science and information on the effects and impacts of climate change is continually improving and this scientific information provides the basis for planning and developing preparation and adaptation actions for climate change to ensure the economic, health, safety, and environmental well-being of the state and its citizens. It is in the public interest for the state, as well as local government agencies actively engaged with climate adaptation, to address the effects of climate change and to be able to plan for

future climate change impacts. These impacts will affect individuals, public and private businesses, state and local agencies, as well as natural resources and the environment.

(3) It is the purpose of this chapter to create an integrated climate change response strategy with prioritized and coordinated climate change preparation and adaptation actions that state and local agencies, public and private businesses, tribes, and individuals can use to plan and prepare for the impacts of climate change through a collaborative process of on-going research, analysis, collection, and distribution of data and information. The development of the integrated climate change response strategy must complement existing adaptation initiatives being undertaken by local government agencies actively engaged with climate adaptation.

(4) The legislature recognizes that the effort required to assess, gather, and compile information and data to develop adaptation and preparation activities for an integrated climate change response strategy will take significant resources and time. The legislature also recognizes that the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation are uniquely positioned to address many of these issues given the mission of their respective agencies. Therefore, in an effort to reduce costs and streamline the process while achieving the goals of this chapter, the legislature designates the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation as leaders in assessing and gathering the necessary information and data to develop, in collaboration with local government agencies actively engaged with climate adaptation, a comprehensive, integrated, and coordinated climate change adaptation strategy.

NEW SECTION. Sec. 2. (1) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

(2) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation, in collaboration with local government agencies actively engaged with climate adaptation, shall develop an integrated climate change response strategy to better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change.

(3) The department of ecology shall serve as a central clearinghouse for relevant scientific and technical information about the impacts of climate change on Washington state's ecology, economy, and society, as well as serve as a central convener for the development of vital programs and necessary policies to help the state adapt to a rapidly changing climate.

(4) The department of ecology shall consult and collaborate with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, in collaboration with local government agencies actively engaged with climate adaptation, in developing an integrated climate change response strategy and plans of actions to prepare for and adapt to climate change impacts.

(5) The department of fish and wildlife shall focus on issues relating to biodiversity, resiliency, and vulnerability of the natural environment, and other areas as requested by the department of ecology.

(6) The department of natural resources shall focus on the vulnerability and resiliency of forests, forest fires, and forest health.

(7) The department of transportation shall focus on gathering and assessing information relating to infrastructure projects, vulnerability of the built environment, and other concerns, as requested by the department of ecology.

(8) The department of agriculture shall focus on the impacts of new regulations on agricultural lands, crops, potential offset opportunities, and the economics of farm production.

(9) The department of community, trade, and economic development shall focus on issues relating to business activities, energy resources, trade and tourism, affordable housing, community facilities and public infrastructure, and support services for vulnerable populations.

However, the department of transportation's obligations under this section are subject to availability of amounts appropriated for the specific purpose identified in this section.

NEW SECTION. Sec. 3. (1) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may seek assistance from a science advisory group.

(2) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may consult with other state, federal, and local agencies that have expertise in matters relating to climate change, or information and data regarding impacts from climate change, as necessary to develop an integrated climate change response strategy.

(3) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation shall, to the extent possible, use teleconferencing for meetings and electronic messaging for gathering data and information to reduce meeting and travel expenditures.

NEW SECTION Sec. 4. (1) The integrated climate change response strategy shall include recommendations conveyed and communicated so that policymakers, public and private businesses, and individuals can easily understand and recognize the implications of the climate change response strategy. The integrated climate change response strategy should address the impact of and adaptation to climate change, as well as the regional capacity to undertake actions, existing ecosystem and resource management concerns, and health and economic risks. In addition, the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation should include a range of scenarios for the purposes of planning in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to the impacts of climate change.

(2) The integrated climate change response strategy must include climate change preparation and adaptation actions that ensure collaborative and cooperative activities.

(a) By December 1, 2011, the department of ecology shall compile an initial climate change response strategy, including information and data from the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, as well as from local government agencies actively engaged with climate adaptation, that: Summarizes the best known science on climate change impacts to Washington; assesses Washington's vulnerability to the identified climate change impacts; prioritizes solutions that can be implemented within and across state agencies; and identifies recommended funding mechanisms and technical and other essential resources for implementing solutions.

(b) The initial strategy must include:

(i) Efforts to identify priority planning areas for action, based on vulnerability and risk assessments;

(ii) Barriers challenging state and local governments to take action, such as laws, policies, regulations, rules, and procedures that require revision to adequately address adaptation to climate change;

(iii) Opportunities to integrate climate science and projected impacts into planning and decision making; and

(iv) Methods to increase public awareness of climate change, its projected impacts on the community, and to build support for meaningful adaptation policies and strategies.

(c) The department of ecology shall, in collaboration with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, and in collaboration with local government agencies actively engaged with climate adaptation, complete an initial climate impacts assessment report that includes the status of the integrated climate change response strategy and provide it to the appropriate committees of the legislature by December 1, 2012.

(3) By December 1, 2013, the department of ecology, in collaboration with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, and in collaboration with local government agencies actively engaged with climate adaptation, must complete an integrated climate change response strategy, which must include:

(a) Adaptation plans of action to address:

(i) Water resources;

(ii) Ocean and coastal resources;

(iii) Infrastructure requirements;

(iv) Biodiversity;

(v) Public health risks and consequences; and

(vi) Working landscapes, such as forest and agricultural lands.

(b) Information about the latest research and projects, such as:

(i) Risk assessment models and data, including evaluations of the consequences, magnitude, and probability of climate change impacts;

(ii) Comprehensive impact assessments that examine how climate change is likely to affect the natural environment and physical infrastructure, as well as the economic impacts on municipal and rural operations; and

(iii) Methods to strengthen community partnerships that reduce vulnerabilities and risks to climate change.

NEW SECTION. Sec. 5. (1) The science advisory group shall provide independent, nonrepresentational scientific advice to the department of ecology. The science advisory group members shall assist the department of ecology in: (a) Identifying the timing and extent of impacts from climate change; (b) assessing the effects of climate variability and change in the context of multiple interacting stressors or impacts; (c) developing forecasting models; (d) determining the resilience of the environment, natural systems, communities, and organizations to deal with potential or actual impacts of climate change and the vulnerability to which a natural or social system is susceptible to sustaining damage from climate change impacts; and (e) identifying other issues, as determined by the department of ecology, necessary to develop policies and actions for the integrated climate change response strategy.

(2) The chair of the science advisory group must be a scientist with recognized expertise in a field or fields of science essential to preparing for and adapting to climate change. The chair serves for a term of three years. The chair shall: (a) Select experts from scientific disciplines as needed to assist the department of ecology with developing an integrated climate change response strategy; and (b) coordinate the science advisory group activities to ensure the priorities and goals of the department of ecology are met.

(3) The governor or the governor's designee shall appoint the chair of the science advisory group or appoint a successor to assume the duties of the chair after the initial term.

(4) In establishing the science advisory group, the department of ecology shall request that the Washington academy of sciences provide a list of candidates to the chair of the science advisory group. The list of candidates should reflect the full range of scientific disciplines involved in climate change, including scientists associated with federal, state, and local agencies, tribes, business and environmental communities, colleges, and university communities. The chair of the science advisory group may also seek advice from the scientific community to develop membership for the science advisory group.

NEW SECTION. Sec. 6. State agencies shall strive to incorporate adaptation plans of action as priority activities when planning or designing agency policies and programs. Agencies shall consider: The integrated climate change response strategy when designing, planning, and funding infrastructure projects; and incorporating natural resource adaptation actions and alternative energy sources when designing and planning infrastructure projects.

Sec. 7. RCW 43.155.070 and 2008 c 299 s 25 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) Beginning in 2010, in awarding loans, the board must consider whether the local government has adopted policies to reduce greenhouse gas emissions that, at least, include policies consistent with the requirements of (a) through (c) of this subsection. If the local government has not adopted policies to reduce greenhouse gas

emissions, the board must consider whether the project is consistent with the following:

(a) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(b) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440; and

(c) Applicable federal emissions reduction requirements.

(5) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by RCW 43.155.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007;

(f) The cost of the project compared to the size of the local government and amount of loan money available;

(g) The number of communities served by or funding the project;

(h) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(i) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(j) Except as otherwise conditioned by RCW 43.155.120, and effective one calendar year following the development of model evergreen community management plans and ordinances under RCW 35.105.050, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(k) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(l) Other criteria that the board considers advisable.

((5)) (6) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

((6)) (7) Before November 1st of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection ((9)) (10) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature,

including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project, a description of local policies or project consistency with state greenhouse emissions goals, and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

((7)) (8) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

((8)) (9) Subsection ((7)) (8) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection ((9)) (10) of this section.

((9)) (10) Loans made for the purpose of capital facilities plans shall be exempted from subsection ((7)) (8) of this section.

((10)) (11) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

((11)) (12) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 8. RCW 43.160.060 and 2008 c 327 s 5 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than twenty-five percent of all financial assistance approved by the board in any biennium may consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For a project the primary purpose of which is to facilitate or promote gambling.

(d) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

(2) The board shall only provide financial assistance:

(a) For a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted; and

(ii) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities;

(b) For a project that cannot meet the requirement of (a) of this subsection but is a project that:

(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted;

(ii) Is part of a local economic development plan consistent with applicable state planning requirements;

(iii) Can demonstrate project feasibility using standard economic principles; and

(iv) Is located in a rural community as defined by the board, or a rural county;

(c) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.

(3) The board shall develop guidelines for local participation and allowable match and activities.

(4) Beginning in 2010, in awarding loans and grants the board must consider whether the applicant has adopted policies to reduce greenhouse gas emissions that, at least, include policies consistent with the requirements of (a) through (c) of this subsection. If the applicant has not adopted policies to reduce greenhouse gas emissions, the board must consider whether the project is consistent with (a) through (c) of this subsection.

(a) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(b) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440, except that the board shall consider whether project locations in rural counties defined in RCW 43.160.020 will maximize the reduction of vehicle miles traveled; and

(c) Applicable federal emissions reduction requirements.

(5) None of the considerations directed in subsection (4) of this section shall relieve the board of its duty to approve financial assistance to rural communities as required in RCW 43.160.076.

(6) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

((5)) (7) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

((6)) (8) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

((7)) (9) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

((8)) (10) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(b) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;

(c) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(d) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements; and

(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

((9)) (11) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 9. RCW 43.160.900 and 2008 c 327 s 9 are each amended to read as follows:

(1) The community economic revitalization board shall conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The evaluations shall include information on the number of applications for community economic revitalization board assistance; the number and types of projects approved; the grant or loan amount awarded each project; the projected number of jobs created or retained by each project; the actual number and cost of jobs created or retained by each project; the wages and health benefits associated with the jobs; a description of local policies or project consistency with state greenhouse emissions goals; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans; and the number of project terminations. The evaluations may also include

additional performance measures and recommendations for programmatic changes.

(2)(a) By September 1st of each even-numbered year, the board shall forward its draft evaluation to the Washington state economic development commission for review and comment((, as required in section 10 of this act)). The board shall provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review shall be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. The initial evaluation must be submitted by December 31, 2010.

Sec. 10. RCW 39.102.040 and 2007 c 229 s 2 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW and has not issued bonds to finance any public improvement may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without adopting a new revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with

the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline.

(c) Except as provided in RCW 39.102.050(2), a total of no more than five million dollars in competitive project awards shall be approved for local infrastructure financing.

(d) The project selection criteria and weighting developed prior to July 22, 2007, for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall, in consultation with the Washington state economic development commission, develop the relative weight to be assigned to the following criteria:

(i) The project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

(ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

(iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

(iv) The estimated wages and benefits for the project is greater than the average labor market area;

(v) The estimated state and local net employment change over the life of the project;

(vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

(vii) The estimated state and local net property tax change over the life of the project;

(viii) The estimated state and local sales and use tax increase over the life of the project;

(ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c); and

(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

(e)(i) Except as provided in this subsection (4)(e), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.

(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:

(A) The sponsoring local government is located in more than one county; and

(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.

(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.

(5) Beginning in 2010, as part of the approval process, the board must consider whether the sponsoring local government has adopted policies to reduce greenhouse gas emissions that, at least, include policies consistent with (a) through (c) of this subsection.

(a) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(b) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440; and

(c) Applicable federal emissions reduction requirements.

(6) Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 11. RCW 47.26.282 and 2002 c 189 s 5 are each amended to read as follows:

In any project funded by the transportation improvement board, except for projects in cities having a population of less than five thousand persons, and in addition to any other items required to be considered by statute, the board also shall consider the land use implications of the project, such as whether the programs and projects:

(1) Support development in and revitalization of existing downtowns;

(2) Implement local comprehensive plans for rural and urban residential and nonresidential densities;

(3) Have land use planning and regulations encouraging compact development for rural and urban residential and nonresidential densities; ((and))

(4) Promote the use of multimodal transportation; and

(5) Beginning in 2010, are located in jurisdictions that have adopted policies to reduce greenhouse gas emissions that, at least, include policies consistent with (a) the state's limits on the emissions of greenhouse gases established in RCW 70.235.020; (b) statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440; and (c) applicable federal emissions reduction requirements.

NEW SECTION. Sec. 12. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt and Shea.

Referred to Committee on Ways & Means.

March 24, 2009

SB 5316 Prime Sponsor, Senator Jarrett: Changing the timeline for the state comprehensive plan for workforce training and education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

March 24, 2009

SSB 5317 Prime Sponsor, Committee on Higher Education & Workforce Development: Clarifying terms for workforce and economic development. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

March 24, 2009

SB 5554 Prime Sponsor, Senator Kilmer: Regarding the job skills program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Haler and Hasegawa.

Passed to Committee on Rules for second reading.

March 24, 2009

ESSB 5555 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding lifelong learning accounts. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Haler and Hasegawa.

Referred to Committee on Education Appropriations.

E2SSB 5560 Prime Sponsor, Committee on Ways & Means: Regarding state agency climate leadership. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in chapter 14, Laws of 2008, the legislature established greenhouse gas emission reduction limits for Washington state, including a reduction of overall emissions by 2020 to emission levels in 1990, a reduction by 2035 to levels twenty-five percent below 1990 levels, and by 2050 a further reduction below 1990 levels. Based upon estimated 2006 emission levels in Washington, this will require a reduction from present emission levels of over twenty-five percent in the next eleven years. The legislature further finds that state government activities are a significant source of emissions, and that state government should meet targets for reducing emissions from its buildings, vehicles, and all operations that demonstrate that these reductions are achievable, cost-effective, and will help to promote innovative energy efficiency technologies and practices.

NEW SECTION. Sec. 2. A new section is added to chapter 70.235 RCW to read as follows:

(1) All state agencies shall meet the statewide greenhouse gas emission limits established in RCW 70.235.020 to achieve the following, using the estimates and strategy established in subsections (2) and (3) of this section:

(a) By July 1, 2020, reduce emissions by fifteen percent from 2005 emission levels;

(b) By 2035, reduce emissions to thirty-six percent below 2005 levels; and

(c) By 2050, reduce emissions to the greater reduction of fifty-seven and one-half percent below 2005 levels, or seventy percent below the expected state government emissions that year.

(2)(a) By June 30, 2010, all state agencies shall report estimates of emissions for 2005 to the department, including 2009 levels of emissions, and projected emissions through 2035.

(b) State agencies required to report under RCW 70.94.151 must estimate emissions from methodologies recommended by the department and must be based on actual operation of those agencies. Agencies not required to report under RCW 70.94.151 shall derive emissions estimates using an emissions calculator provided by the department.

(3) By June 30, 2011, each state agency shall submit to the department a strategy to meet the requirements in subsection (1) of this section. The strategy must address employee travel activities, teleconferencing alternatives, and include existing and proposed actions, a timeline for reductions, and recommendations for budgetary and other incentives to reduce emissions, especially from employee business travel.

(4) By October 1st of each even-numbered year beginning in 2012, each state agency shall report to the department the actions taken to meet the emission reduction targets under the strategy for the preceding fiscal biennium. The department may authorize the department of general administration to report on behalf of any state agency having fewer than five hundred full-time equivalent employees at any time during the reporting period. The department shall cooperate with the department of general administration and the department of community, trade, and economic development to

develop consolidated reporting methodologies that incorporate emission reduction actions taken across all or substantially all state agencies.

(5) All state agencies shall cooperate in providing information to the department, the department of general administration, and the department of community, trade, and economic development for the purposes of this section.

(6) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

NEW SECTION. Sec. 3. A new section is added to chapter 70.235 RCW to read as follows:

(1) The department shall develop an emissions calculator to assist state agencies in estimating aggregate emissions as well as in estimating the relative emissions from different ways in carrying out activities.

(2) The department may use data such as totals of building space occupied, energy purchases and generation, motor vehicle fuel purchases and total mileage driven, and other reasonable sources of data to make these estimates. The estimates may be derived from a single methodology using these or other factors, except that for the top ten state agencies in occupied building space and vehicle miles driven, the estimates must be based upon the actual and projected operations of those agencies. The estimates may be adjusted, and reasonable estimates derived, when agencies have been created since 1990 or functions reorganized among state agencies since 1990. The estimates may incorporate projected emissions reductions that also affect state agencies under the program authorized in RCW 70.235.020 and other existing policies that will result in emissions reductions.

(3) By December 31st of each even-numbered year beginning in 2010, the department shall report to the governor and to the appropriate committees of the senate and house of representatives the total state agencies' emissions of greenhouse gases for 2005 and the preceding two years and actions taken to meet the emissions reduction targets.

NEW SECTION. Sec. 4. A new section is added to chapter 70.235 RCW to read as follows:

Beginning in 2010, when distributing capital funds, all state agencies must consider whether the entity receiving the funds has adopted policies to reduce greenhouse gas emissions. Agencies also must consider whether the project is consistent with:

(1) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(2) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440, except that the agency shall consider whether project locations in rural counties, as defined in RCW 43.160.020, will maximize the reduction of vehicle miles traveled; and

(3) Applicable federal emissions reduction requirements.

Sec. 5. RCW 43.41.130 and 1982 c 163 s 13 are each amended to read as follows:

The director of financial management, after consultation with other interested or affected state agencies, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles

for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use. By June 15, 2010, the director of the department of general administration, in consultation with the office and other interested or affected state agencies, shall develop strategies to reduce fuel consumption and emissions from all classes of vehicles. State agencies shall use these strategies to:

(1) Phase in fuel economy standards for motor pools and leased vehicles to achieve an average fuel economy standard of thirty-six miles per gallon for passenger vehicle fleets by 2015;

(2) Achieve an average fuel economy of forty miles per gallon for light duty passenger vehicles purchased after June 15, 2010; and

(3) Achieve an average fuel economy standard of twenty-seven miles per gallon for light duty vans and sport utility vehicles purchased after June 15, 2010.

State agencies must report annually on the progress made to achieve the goals under subsections (1) through (3) of this section beginning October 31, 2011.

The department of general administration, in consultation with the office and other affected or interested agencies, shall develop a separate fleet fuel economy standard for all other classes of vehicles and report the progress made toward meeting the fuel consumption and emissions goals established by this section to the governor and the relevant legislative committees by December 1, 2012.

For the purposes of this section, light duty vehicles refers to cars, sport utility vehicles, and passenger vans. The following vehicles are excluded from the agency fleet average fuel economy calculation: Emergency response vehicles, passenger vans with a gross vehicle weight of eight thousand five hundred pounds or greater, vehicles that are purchased for off-pavement use, and vehicles that are driven less than two thousand miles per year. Average fuel economy calculations must be based upon the current United States environmental protection agency composite city and highway mile per gallon rating.

((Such policies shall also include the widest possible use of gasohol and cost-effective alternative fuels in all motor vehicles owned or operated by any state agency. As used in this section, "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume.))

Sec. 6. RCW 43.19.675 and 2001 c 214 s 26 are each amended to read as follows:

(1) For each state-owned facility greater than ten thousand square feet that has not had an energy audit completed in the past five years, the director of general administration, or the agency responsible for the facility if other than the department of general administration, shall conduct an energy audit of that facility. This energy audit may be conducted by contract or by other arrangement, including appropriate agency staff. Performance-based contracting shall be the preferred method for implementing and completing energy audits. ((For each state-owned facility, the energy consumption surveys shall be completed no later than October 1, 2001, and the walk-through surveys shall be completed no later than July 1, 2002.))

(2)(a) The director of general administration shall develop a schedule for conducting and completing state agency energy audits. All energy audits must be completed by December 1, 2013.

(b) The director of general administration shall develop procedures to ensure that consistent methods for energy benchmarks are used when conducting energy audits.

Sec. 7. RCW 43.19.680 and 2001 c 214 s 27 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) If a walk-through survey has identified potentially cost-effective energy conservation measures, the agency responsible for the facility shall undertake an investment grade audit of the facility. Investment grade audits shall be completed no later than December 1, ((2002)) 2013. Installation of cost-effective energy conservation measures recommended in the investment grade audit shall be completed no later than June 30, ((2004)) 2016.

(3) ((For each biennium until all measures are installed,)) The director of general administration shall report to the governor and the legislature ((installation progress, [and])) on the progress of energy audits, development of energy benchmarks, and energy efficiency measures planned for installation during the ensuing biennium. This report shall be submitted by December 31, ((2004)) 2014, or at the end of the following year whichever immediately precedes the capital budget adoption, and ((every two years thereafter until all measures are installed)) a final report by December 31, 2016.

(4) Agencies may contract with energy service companies as authorized by chapter 39.35C RCW for energy audits and implementation of cost-effective energy conservation measures. State agencies must complete an energy audit prior to or as part of a request for state funds on any energy efficiency project for an agency-owned or leased facility. The department shall provide technically qualified personnel to the responsible agency upon request. The department shall recover a fee for this service.

Sec. 8. RCW 43.41.170 and 1989 c 11 s 15 are each amended to read as follows:

The office of financial management shall ((ensure that)) require state agencies to perform energy audits as required under RCW 43.19.675. To the extent possible through the budget process ((shall allow)), state agencies implementing energy conservation ((to)) measures as identified under RCW 43.19.680 may retain the resulting cost savings for other purposes, including further energy conservation.

Sec. 9. RCW 43.82.045 and 2007 c 506 s 5 are each amended to read as follows:

(1) State agencies are prohibited from entering into lease agreements for privately owned buildings that are in the planning stage of development or under construction unless there is prior written approval by the director of the office of financial management. Approval of such leases shall not be delegated. Lease agreements described in this section must comply with RCW 43.82.035.

(2) The director of the office of financial management shall require that all state agencies enter into lease agreements for privately owned buildings greater than ten thousand square feet only if:

(a) The lessor has had an investment grade energy audit completed on the building in the past five years and has installed the cost-effective energy conservation measures recommended by the audit; or

(b) The lessor agrees to complete an investment grade energy audit on the building and install the cost-effective energy conservation measures recommended by the audit within the first five years of the lease.

Sec. 10. RCW 39.35D.010 and 2005 c 12 s 1 are each amended to read as follows:

(1) The legislature finds that public buildings can be built and renovated using high-performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.

(2) It is the intent of the legislature that state-owned buildings and schools be improved by adopting recognized standards for high-performance public buildings, reducing energy consumption, and allowing flexible methods and choices in how to achieve those standards and reductions. The legislature also intends that public agencies and public school districts shall document costs and savings to monitor this program and ensure that economic, community, and environmental goals are achieved each year, and that an independent performance review be conducted to evaluate this program and determine the extent to which the results intended by this chapter are being met.

NEW SECTION. Sec. 11. This act shall be in effect only to the extent that funds are specifically appropriated for the purposes of this act."

Correct the title.

Signed by Representatives Upthegrove, Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt and Shea.

Referred to Committee on Ways & Means.

March 23, 2009

ESB 5581 Prime Sponsor, Senator Delvin: Modifying provisions relating to suncreening devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Erickson; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 24, 2009

SSB 5616 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Connecting business expansion and recruitment to customized training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Haler and Hasegawa.

Referred to Committee on Education Appropriations.

March 23, 2009
SB 5642 Prime Sponsor, Senator Kauffman: Designating state route number 164 as a highway of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

March 24, 2009
SSB 5734 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding tuition at institutions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Carlyle; Driscoll; Grant-Herriot; Haler and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Angel and Hasegawa.

Referred to Committee on Ways & Means.

March 24, 2009
ESB 5925 Prime Sponsor, Senator Shin: Regarding insurance for higher education students participating in study or research abroad. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.660 and 1993 sp.s. c 9 s 1 are each amended to read as follows:

(1) The governing boards of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees and students of the institution. Except as provided in subsections (2) and (3) of this section, the premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college.

(2) A governing board of a public four-year institution of higher education may make available, and pay the costs of, health benefits for graduate students holding graduate service appointments, designated as such by the institution. Such health benefits may provide coverage for spouses and dependents of such graduate student appointees.

(3) A governing board of a state institution of higher education may require its students who participate in studies or research outside of the United States sponsored, arranged, or approved by the institution to purchase, as a condition of participation, insurance approved by the governing board, that will provide coverage for expenses arising from emergency evacuation, repatriation of remains, injury, illness, or death sustained while participating in the study or research abroad. The governing board of the institution may bear all or part of the costs of the insurance. A student shall not be required to purchase insurance if the student is covered under an insurance policy that will provide coverage for expenses arising from emergency evacuation, repatriation of remains, injury, illness, or death sustained while participating in the study or research abroad."

Correct the title.

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot; Hasegawa and White.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.

Passed to Committee on Rules for second reading.

March 24, 2009
ESB 6048 Prime Sponsor, Senator Oemig: Concerning the state's education system. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1. INTENT.** (1) In enacting this legislation, the legislature intends to fulfill its obligation under Article IX of the Washington state Constitution to define and fund a program of basic education for children residing in the state and attending public schools. This act defines the educational opportunities that school districts shall provide and for which the state shall allocate funding.

(2) The legislature also intends that the policies and allocation formulas in this act fulfill the legislature's obligation under Article IX to establish a general and uniform system of public schools. The legislature finds that in some instances providing general and uniform educational opportunity requires tailoring basic education allocations to reflect certain needs and circumstances of each school district, including district size, certain student characteristics, and regional labor market differences. It is the intent of the legislature that these allocation formulas address these differences in order to promote equity and uniformity of educational opportunity.

(3) Public education in Washington State has evolved since the enactment of the Washington basic education act of 1977. Student demographics, educational technology, data, and standards-based learning and assessment are only a few examples of factors affecting education that have changed in the last thirty years. Decisions by the

courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need to redefine the program of basic education that is funded by the state and delivered by school districts to better align with the stated goals of a basic education and to improve the transparency and accountability of how the state meets its constitutional obligation under Article IX.

(4) For practical and educational reasons, wholesale change of the program of basic education and the funding formulas to support it cannot occur instantaneously. Financial experts must develop the details of the funding formulas. New systems of educator certification, evaluation, mentoring, and compensation must be developed and implemented. Data and accountability systems must be created. Significant increases in resources for staffing and class size reduction will have detrimental impact on student learning if school districts hire unprepared teachers and lack facilities to house them. The legislature intends to adopt a schedule for the concurrent implementation of the redefined program of basic education and the resources necessary to support it, beginning in the 2011-12 school year and phased in over a six-year time period.

NEW SECTION. Sec. 2. INTENT TO MAKE NECESSARY CORRECTIONS. It is the intent of the legislature that the policies and allocation formulas adopted under this act, including the implementation schedule for these formulas, constitute the legislature's definition of basic education under Article IX of the state Constitution. It is the further intent of the legislature that these policies, formulas, and schedules should not be revised or delayed other than for educational reasons. The legislature intends, however, to continue to review and revise the formulas and schedules and may make revisions for technical purposes and consistency in the event of mathematical or other technical errors.

NEW SECTION. Sec. 3. STEERING COMMITTEE TO OVERSEE IMPLEMENTATION. (1) The basic education steering committee is established to monitor and oversee implementation of the new definition of basic education. The steering committee shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(2) The chair or cochair of the steering committee shall be selected by the members of the committee.

(3) The steering committee shall monitor and oversee the following technical working groups:

(a) The finance and compensation working group under section 112 of this act;

(b) The early learning working group under section 113 of this act; and

(c) The achievement gap working group under section 4 of this act.

(4) Each of the working groups shall submit a preliminary report to the steering committee by November 15, 2009, and a final report by September 1, 2010. The steering committee may also request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the

implementation of this act. The steering committee shall also monitor and request updates and progress reports from groups or agencies developing comprehensive education data systems.

(5) The steering committee shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations based on analysis of reports from the working groups and state agencies, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of this act. The initial report from the steering committee shall also contain a recommended schedule for the concurrent phase-in of any changes in the instructional program of basic education and the implementation of the funding formulas and allocations to support the instructional program of basic education. The objective of the schedule is to assure that increases in funding allocations occur concurrently with increases in program and instructional requirements.

(6) The steering committee shall submit subsequent reports to the governor and the legislature by November 15, 2010, and annually thereafter, ending November 15, 2016.

(7) Staff support for the basic education steering committee shall be provided by the state agencies with representatives on the committee, the senate committee services, and the office of program research of the house of representatives. Legislative members of the steering committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) This section expires June 30, 2017.

NEW SECTION. Sec. 4. ACHIEVEMENT GAP WORKING GROUP. (1) The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap than in legislation affirming the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender.

(2) An achievement gap working group is created to provide oversight and accountability in the development of policies to close the achievement gap. The working group shall synthesize the findings and recommendations from the 2008 achievement gap studies into a single implementation plan that recommends specific policies and strategies to address the academic achievement gap in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) The achievement gap working group shall be composed of three members appointed by the superintendent of public instruction and twelve members appointed by the governor, with two governor-appointed members to represent each of the following groups: African-Americans, African-American immigrants, Asian-Americans, Pacific Islander Americans, Hispanic Americans, and Native Americans. The chair or cochairs of the working group shall be selected by the members of the group. Staff support for the working group shall be provided within available funds by the office of the superintendent of public instruction through the center for the improvement of student learning.

(4) The achievement gap working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

PART I

PROGRAM AND FUNDING OF BASIC EDUCATION

Sec. 101. RCW 28A.150.200 and 1990 c 33 s 104 are each amended to read as follows:

PROGRAM OF EDUCATION. ((This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977." The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in RCW 28A.150.210, (2) those program requirements enumerated in RCW 28A.150.220, and (3) the determination and distribution of state resources as defined in RCW 28A.150.250 and 28A.150.260.

The requirements of the Basic Education Act are)) (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and ((are)) is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.020 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities; and

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a certificate authorized by rule of the Washington professional educator standards board or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a certificated instructional staff person who is employed in a position that requires certification and whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified people shall not occur during a labor dispute, and such classified people shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(9) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(10) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(11) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(12) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(13) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting

with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 103. RCW 28A.150.210 and 2007 c 400 s 1 are each amended to read as follows:

BASIC EDUCATION GOAL. ((The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to)) A basic education is an evolving program of instruction that provides students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. ((Additionally,)) The state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. A basic education must also provide all students with the opportunity to graduate from high school with a meaningful high school diploma, ready for success in postsecondary education, gainful employment, and citizenship. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

Sec. 104. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

INSTRUCTIONAL PROGRAM. (1) ((Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group)) In order for students to have the opportunity to develop the basic education knowledge and skills

under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, with course distribution requirements established by the state board of education under RCW 28A.230.090 and that may be subject to a phased-in implementation of the twenty-four credits as adopted by the board;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

((((3))) (4) Nothing contained in ((subsection (1) of)) this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

((((3))) (5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten((: PROVIDED, That)), to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the

request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

((4)) (6) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 105. RCW 28A.150.250 and 1990 c 33 s 107 are each amended to read as follows:

FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and section 108 of this act which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled((, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220)).

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW ((28A.150.250 and)) 28A.150.260, 28A.150.390, and section 108 of this act to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula and ratios provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW ((28A.150.100 and)) 28A.150.410.

((Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.))

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ((28A.150.250,)) 28A.150.260((,)) and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured((: PROVIDED, That)). However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 106. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ((The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures)) The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula ((based on a ratio of students to staff)) for the distribution of a basic education instructional allocation for each ((annual average full time equivalent student enrolled in a)) common school district. ((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;

(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.))

(2)((a)) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) The distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. Funding allocations to school districts shall be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(c) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on an average class size as specified in the omnibus appropriations act. The omnibus appropriations act shall specify:

(i) Basic average class size;

(ii) Basic average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals;

(iii) Average class size for exploratory and preparatory career and technical education, laboratory science, advanced placement, and international baccalaureate courses; and

(iv) Average class size in grades kindergarten through three.

(d) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

(i) Principals, including assistant principals and other certificated building-level administrators;

(ii) Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs;

(iii) Student health services, a function that includes school nurses and social workers;

(iv) Guidance counselors, a function that includes parent outreach and graduation advisor;

(v) Professional development coaches;

(vi) Office support and other staff providing noninstructional support services;

(vii) Custodians and other maintenance; and

(viii) Classified staff providing student and staff safety.

(4)(a) The minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development; other building-level costs including maintenance, custodial, and security; and central office administration.

(b) The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced based on full-time equivalent student enrollment in exploratory career and technical education courses for students in grades seven through twelve; laboratory science courses for students in grades nine through twelve; preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(5) The allocations provided under subsections (3) and (4) of this section shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be

based on the percent of students in each school who are eligible for free and reduced-price meals. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs.

(6) The allocations provided under subsections (3) and (4) of this section shall be enhanced to provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, based on two percent of each school district's full-time equivalent enrollment. The minimum allocation for the programs shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(7) The allocations under subsections (3) through (5) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(8) The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsection (3) of this section for all schools in the district.

(9)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (3) and (4) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(10)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to

one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c)) (b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect((: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100)).

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month ((and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100)), including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction((: PROVIDED, That the definition)) and shall be included as part of the superintendent's biennial budget request((: PROVIDED, FURTHER, That)). The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee((: PROVIDED, FURTHER, That)).

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

((3(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8); PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).))

Sec. 107. RCW 28A.150.390 and 1995 c 77 s 6 are each amended to read as follows:

SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW ((28A.150.250,)) 28A.150.260((,)) (3) through (5) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256((, and other state and local funds, excluding special excess levies)).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (3) through (5), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education students and federal impact aid.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 109. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

LEGISLATURE TO APPROPRIATE FUNDS. (1) The state legislature shall, at each regular session in an odd-numbered year, appropriate ((from the state general fund)) for the current use of the common schools such amounts as needed for state support to ((the common schools)) school districts during the ensuing biennium ((as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010)) for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education.

(3) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

Sec. 110. RCW 28A.150.315 and 2007 c 400 s 2 are each amended to read as follows:

PHASE-IN ALL-DAY KINDERGARTEN. (1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

((3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.))

Sec. 111. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

GRADUATION REQUIREMENTS. (1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. ((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.))

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review, and the legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 112. FINANCE AND COMPENSATION WORKING GROUP. (1) The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented beginning in the 2011-12 school year and are intended to be phased in over a six-year period according to an

implementation schedule to be adopted by the legislature. The object of the schedule is to assure that increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements.

(2) The office of financial management and the office of the superintendent of public instruction shall convene a technical working group to:

(a) Develop the details of the funding formulas under RCW 28A.150.260;

(b) Recommend an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature;

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the steering committee for consideration;

(d) Recommend options for a compensation system that provides support for effective teaching and recruitment and retention of high quality staff, including:

(i) Developing options and cost estimates for a salary allocation schedule for new certificated instructional staff into which current staff have the option to transfer. At a minimum, the schedules shall align with the educator certification system developed by the professional educator standards board;

(ii) Updating the comparable wage and regional wage analysis conducted by the Washington state institute for public policy in 2008 and developing options and cost estimates for a regional wage adjustment schedule that could be applied to state salary allocations for certificated instructional, administrative, and classified staff;

(iii) Developing options and cost estimates for allocations for administrative and classified staff through the funding formulas in RCW 28A.150.260; and

(iv) Collecting and analyzing detailed data on supplemental contracts for time, responsibilities, or incentives; and

(e) Develop options for a new system of supplemental school funding through local school levies and local effort assistance. The working group shall take into consideration the impact on overall school district revenues of the new funding formulas established under RCW 28A.150.260 and recommend a phase-in plan that reduces reliance on local school levies concurrently with increased state funding and assures that no district suffers a decrease in overall funding from one school year to the next due to implementation of the new systems.

(3) The working group shall include representatives of the state board of education, the professional educator standards board, the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, classified school employees, parents, higher education, and other interested persons with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders. The office of financial management and the office of the superintendent of public instruction may divide the working group into subgroups to focus on the funding formulas, compensation, revenue, and supplemental school funding.

(4) The working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

NEW SECTION. Sec. 113. BASIC EDUCATION PROGRAM OF EARLY LEARNING. (1) The legislature finds that

a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to learn. The legislature also finds that, due to a variety of factors, disadvantaged young children need supplemental instruction in preschool to assure that they have the opportunity to meaningfully participate and reach the necessary levels of achievement in the regular program of basic education. Therefore the legislature intends to establish a program of early learning for at-risk children and intends to include this program within the overall program of basic education.

(2) The department of early learning and the office of the superintendent of public instruction shall convene a working group to develop the basic education program of early learning. The early learning working group shall be composed of representatives from head start and early childhood education and assistance program providers, school districts, thrive by five of Washington, and other stakeholders with expertise in early learning. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(3) The early learning working group shall continue the preliminary work of the department of early learning under RCW 43.215.125 to develop a proposal for a statewide Washington head start program. The working group shall:

(a) Recommend student eligibility criteria that focus on children aged three and four considered most at-risk;

(b) Develop options for a service delivery system that includes school districts, educational service districts, community and technical colleges, and public and private nonsectarian organizations;

(c) Develop options for shared governance that include the superintendent of public instruction and the department of early learning each with appropriate supervisory and administrative responsibilities;

(d) Develop recommended parameters and minimum standards for the program; and

(e) Continue development of a statewide kindergarten assessment process.

(4) The early learning working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

PART II EFFECTIVE TEACHING

NEW SECTION. Sec. 201. INTENT. The legislature finds that in order to offer all students the opportunity to achieve the basic education goal, school districts must provide effective teaching and instruction. Teachers should be provided opportunities to gain the knowledge and skills that will enable them to be effective. Designing a system that clearly defines, supports, measures, and recognizes effective teaching is one of the most important investments to be made in improving student learning.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.410 RCW to read as follows:

CERTIFICATION. (1) By January 1, 2010, the professional educator standards board shall adopt a set of teacher knowledge, skill, and performance standards for effective teaching that are documented in high-quality research as being associated with improved student learning and articulated on a career continuum.

(2) By January 1, 2010, the professional educator standards board shall submit to the governor and the education and fiscal committees of the legislature:

(a) An update on the status of implementation of the professional certificate external and uniform assessment authorized in RCW 28A.410.210;

(b) A proposal for a valid and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure for residency certification that involves multiple measures of teacher performance in classrooms and a role for state-trained evaluators;

(c) Estimated costs and statutory authority needed for further development and implementation of the assessments in this subsection (2); and

(d) Recommendations for other modifications to residency, professional, and ongoing professional certification that focus on demonstrated performance and professional growth rather than enrollment in certification programs or continuing education.

(3) By January 1, 2011, the professional educator standards board shall submit recommendations to the governor and the education committees of the legislature providing definitions for voluntary master-level certification for teachers and educational staff associates. Within the definition established by the board, individuals certified through the national board for professional teaching standards shall be considered to have achieved master-level certification.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.410 RCW to read as follows:

MATH AND SCIENCE TEACHERS. (1) The Washington professional educator standards board shall serve as the lead agency in a coordinated approach with school districts, institutions of higher education, the office of the superintendent of public instruction, local and national nonprofit organizations, and the business community to create an adequate supply of well-qualified mathematics and science teachers for Washington's public schools. In fulfilling this role, the board shall:

(a) Work with institutions of higher education, including community colleges, to build stronger connections and partnerships with school districts and to craft innovative teacher preparation programs, particularly in rural areas;

(b) Work with in-state and national organizations to identify barriers and craft solutions to improved recruitment, hiring, preparation, and retention of mathematics and science teachers;

(c) Expand information to students and counselors, from middle school through college, about teacher preparation options and opportunities;

(d) Seek private and federal support for innovations and initiatives; and

(e) Set goals, collect and analyze data, and monitor progress toward achieving the goals.

(2) Strategies overseen and coordinated by the board to achieve the objectives of this section include but are not limited to the following:

(a) Building pipelines to mathematics and science teaching, beginning in middle school and through college using the recruiting Washington teachers program under RCW 28A.415.370, the pipeline for paraeducators conditional scholarship program under RCW 28A.660.042, and the Washington teach initiative under section 204 of this act;

(b) Streamlining teacher preparation and improving the geographic distribution of mathematics and science teachers through the retooling to teach mathematics and science conditional scholarship program under RCW 28A.660.045 and alternative route to teacher certification programs under RCW 28A.660.040;

(c) Shifting and building capacity in public four-year institutions of higher education to prepare mathematics and science teachers

through institutional priority initiatives under section 204 of this act; and

(d) Attracting individuals to careers in mathematics and science teaching, including through the future teachers conditional scholarship and loan repayment program under chapter 28B.102 RCW.

NEW SECTION. Sec. 204. A new section is added to chapter 28B.10 RCW to read as follows:

WASHINGTON TEACH INITIATIVE. (1) Each public four-year institution of higher education with a teacher preparation program approved by the professional educator standards board to offer a residency teaching certificate and subject area endorsements in middle level mathematics or science, or secondary mathematics or science, including any of the branch campuses under RCW 28B.45.014, shall develop a plan for a Washington teach initiative for recruitment and development of mathematics and science teachers from within the student population of the institution and among high school students in partnering school districts. Each institution shall submit a preliminary plan and strategies for its Washington teach initiative to the professional educator standards board by October 30, 2009, and an updated plan with any progress to report by October 31, 2010. The plan must include:

(a) Evidence of a commitment by the institution to make development of mathematics and science teachers an institutional priority;

(b) Collaboration between institutional leadership, the college of education, and the mathematics and science departments of the college of arts and sciences;

(c) Proposed targeted outreach, student advising, and recruitment efforts;

(d) Proposed streamlined course requirements to enable students to obtain both a mathematics or science major and residency certification within four years of study;

(e) Development of opportunities for classroom experiences early in the students' academic careers;

(f) Evidence of increased collaboration and partnership with school districts, including districts outside the immediate geographic vicinity of the institution and including exploration of opportunities for alternative route programs; and

(g) Measurable goals and objectives, including the estimated shift in enrollment under the institutional priority initiative under subsection (3) of this section.

(2) Each institution under this section shall begin exploring opportunities for partnerships with one or more school districts to provide one or more of the alternative route programs under RCW 28A.660.040 using routes two, three, or four to offer candidates a postbaccalaureate residency teaching certificate in middle level mathematics or science or secondary mathematics or science. In the plans and updates required under subsection (1) of this section, each institution shall identify possible partner school districts, describe prospects and barriers for partnership, and provide an analysis of the opportunities and progress in developing an alternative route program.

(3) Each institution under this section shall include in its Washington teach initiative a specific plan to reduce admittance and enrollment of students seeking residency teacher certification with an endorsement in elementary education and increase enrollment capacity for students seeking residency teacher certification with an endorsement in middle level mathematics or science, or secondary mathematics or science.

PART III

CONTINUOUS SCHOOL IMPROVEMENT

NEW SECTION Sec. 301. INTENT. (1) The legislature finds that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by an equally comprehensive and transparent system of continuous school and school district improvement.

(2) However, the legislature also finds that the state and school districts share responsibility for continuous improvement and achieving state educational standards. It is the state's responsibility to provide schools and districts with the tools necessary for continuous improvement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, if necessary, intervention. It is also the state's responsibility to take into account the capacity of the school system to implement changes and meet new requirements, and adjust expectations accordingly.

(3) The legislature intends to maintain a single system of continuous school improvement under both state and federal law. The legislature intends that a new state system be implemented only if Washington receives authorization from the United States department of education to use the state system for federal accountability purposes under P.L. 107-110, the no child left behind act of 2001.

Sec. 302. RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows:

STATE BOARD OF EDUCATION AUTHORITY. The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended: The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the

house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria based on multiple outcomes and indicators to identify successful schools and school districts ((and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts)), those in need of assistance, and those in which significant numbers of students persistently fail to meet state standards(. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests));

(d) Recommend to the superintendent of public instruction ways for exemplary schools and districts to be recognized for student achievement and improvements in student achievement;

(e) Identify schools and school districts in which state ((intervention measures)) support and assistance will be needed and recommend to the legislature a range of appropriate intervention strategies, which may be implemented only after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board,

the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(h) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;

(5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

NEW SECTION. Sec. 303. A new section is added to chapter 28A.305 RCW to read as follows:

SYSTEM OF SUPPORT AND ASSISTANCE. In consultation with the superintendent of public instruction, the state board of education shall:

(1) Develop a comprehensive system of voluntary support and assistance for schools and school districts where the level of intensity of support and assistance for continuous school improvement increases based on objective, systematic criteria. The superintendent of public instruction shall implement the system to the extent funds are available;

(2) Develop a proposal for support and assistance for schools and school districts that have not demonstrated sufficient improvement through a voluntary system. The proposal shall be implemented only if formally authorized by the legislature through enacted legislation;

(3) Develop a methodology for using the prototypical school funding model under RCW 28A.150.260 as an analytic tool for comparing funding allocation assumptions and the actual use and

distribution of resources, as well as outcomes, at the school and district level; and

(4) Examine opportunities for and the feasibility of incorporating a system of quality management, accountability, and performance improvement such as the Baldrige national quality program into the overall state system continuous school improvement.

NEW SECTION Sec. 304. PROGRESS REPORTS. (1) The state board of education and the superintendent of public instruction shall seek approval from the United States department of education for use of the objective criteria and the state system of support, assistance, and intervention to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(2) The state board of education and the superintendent of public instruction shall submit a progress report on the implementation of RCW 28A.305.130 and section 303 of this act to the education and fiscal committees of the legislature by December 1, 2009, and a final report with proposals and recommendations by December 1, 2010.

NEW SECTION. Sec. 305. A new section is added to chapter 28A.655 RCW to read as follows:

EDUCATION DATA SYSTEM. It is the legislature's intent to establish comprehensive K-12 education data systems for financial, student, and educator data. The objective of the systems is to monitor student progress, assure educator quality, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capacity to link across these various data components by student, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly process for determining when changes are needed and how to implement them. The first priority for any new data systems should be financial, budgeting, and accounting systems necessary to support the new K-12 financial models and funding formulas. The benefits of significant increases in the amount of data available for analysis must be carefully weighed against the costs to school districts to enter, update, maintain, and submit the data and to implement new software and data management systems.

PART IV OTHER FINANCE

NEW SECTION. Sec. 401. A new section is added to chapter 28A.500 RCW to read as follows:

NEW LEVY/LEA SYSTEM--INTENT. (1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and

fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. Sec. 402. A new section is added to chapter 43.79 RCW to read as follows:

GROWTH IN REVENUE. (1) The basic education account is created in the state treasury. Moneys in the account may be spent only after appropriation and only for the purposes of RCW 28A.150.260. All receipts from subsection (2) of this section shall be deposited into the account.

(2) By September 30, 2011, and by September 30th of each odd-numbered year thereafter, if general state revenues from the prior fiscal biennium exceed the revenues from the fiscal biennium immediately preceding the prior fiscal biennium by more than five percent, the state treasurer shall transfer fifty percent of the amount over five percent to the basic education account.

(3) For the purposes of this section, "general state revenues" shall be as defined by Article VIII, section 1 of the state Constitution.

Sec. 403. RCW 28A.160.150 and 1996 c 279 s 1 are each amended to read as follows:

PUPIL TRANSPORTATION. Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within ((one radius mile from)) the school walk area as determined under RCW ((28A.160.180(2))) 28A.160.160(5).

Sec. 404. RCW 28A.160.160 and 1996 c 279 s 2 are each amended to read as follows:

PUPIL TRANSPORTATION. For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is ((more than one radius mile from the)) outside the walk area for a student's school, except if the student to be transported is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

- (a) Transportation to and from route stops and schools;
- (b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;
- (c) Transportation of students between schools and learning centers for instruction specifically required by statute; and
- (d) Transportation of students with disabilities to and from schools and agencies for special education services.

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall ((not)) be considered part of transportation of students "to and from school" for the purposes of ((chapter 61, Laws of 1983 1st ex. sess)) this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within ((one radius mile from)) the school walk area means school transportation services including the use of buses, funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) The "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area.

Sec. 405. RCW 28A.160.170 and 2007 c 139 s 1 are each amended to read as follows:

PUPIL TRANSPORTATION. Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150 ((for the current school year and the number of miles estimated to be driven for pupil transportation services)), along with ((a map describing student route)) identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) from non-to-and-from-school pupil transportation costs in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 406. RCW 28A.160.180 and 1996 c 279 s 3 are each amended to read as follows:

PUPIL TRANSPORTATION. Each district's annual student transportation allocation shall be ((based on differential rates)) determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate ((a standard student mile allocation rate for determining)) the transportation allocation for those services provided for in RCW 28A.160.150. (("Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student.)) The ((standard student mile)) allocation ((rate)) formula may be adjusted to include such additional differential factors as ((distance; restricted)) basic and special passenger ((load; circumstances that require use of special types of transportation

vehicles; student with disabilities load; and small fleet maintenance)) counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

(2) ((For transportation services for students living within one radius mile from school,)) The allocation shall be based on a regression analysis of the number of basic and special students ((in grades kindergarten through five living within one radius mile as specified in the biennial appropriations act)) transported and as many other site characteristics that are identified as being statistically significant.

(3) ((The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle amortization, for determining)) The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

(4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees ((on education and ways and means of the senate and house of representatives)) of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation ((rates to be used)) for the following year.

Sec. 407. RCW 28A.160.190 and 1990 c 33 s 145 are each amended to read as follows:

PUPIL TRANSPORTATION. The superintendent shall notify districts of their student transportation allocation before January 15th. ((If the number of eligible students in a school district changes ten percent or more from the October report, and the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction.)) The superintendent shall ((, to the extent funds are available,)) recalculate and prorate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.510.250. Such allocation payments may be based on ((estimated amounts)) the prior school year's ridership report for payments to be made in September, October, November, December, and January.

NEW SECTION. Sec. 408. A new section is added to chapter 28A.160 RCW to read as follows:

PUPIL TRANSPORTATION. The superintendent of public instruction shall ensure that the allocation formula results in adequate appropriation for low enrollment districts, nonhigh districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts. If necessary, the superintendent shall develop a separate process to adjust the allocation of the districts.

NEW SECTION. Sec. 409. A new section is added to chapter 28A.160 RCW to read as follows:

PUPIL TRANSPORTATION. The superintendent of public instruction shall encourage efficient use of state resources by providing a linear programming process that compares school district transportation operations. If a school district's operation is calculated

to be less than ninety percent efficient, the regional transportation coordinators shall provide an individual review to determine what measures are available to the school district to improve efficiency. The evaluation shall include such measures as:

- (1) Efficient routing of buses;
- (2) Efficient use of vehicle capacity; and
- (3) Reasonable controls on compensation costs.

The superintendent shall submit to the fiscal and education committees of the legislature no later than December 1st of each year a report summarizing the efficiency reviews and the resulting changes implemented by school districts in response to the recommendations of the regional transportation coordinators.

NEW SECTION. Sec. 410. A new section is added to chapter 28A.160 RCW to read as follows:

PUPIL TRANSPORTATION. (1) The superintendent of public instruction shall phase-in implementation of the new distribution formula for allocating state funds to school districts for transportation of students to and from school, beginning with the 2011-12 school year.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors will include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the state recovery rate identified by the superintendent; and

(b) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) of this subsection and the amount determined under the formula in RCW 28A.160.180.

(3) The superintendent shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2009.

(4) Beginning in December 2009, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.

PART V GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION

Sec. 501. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

SALARY ALLOCATION MODEL. (1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff

salaries under RCW 28A.150.260. For the purposes of this section, beginning in the 2011-12 school year, the staff allocations for classroom teachers, librarians, professional development coaches, student health services staff, and guidance counselors under RCW 28A.150.260 are allocations for certificated instructional staff.

(2) Salary allocations for state-funded ((basic education)) certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for all certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

Sec. 502. RCW 28A.165.005 and 2004 c 20 s 1 are each amended to read as follows:

LAP ADJUSTMENTS. ((The learning assistance program requirements in)) This chapter ((are)) is designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing ((programs)) supplemental instruction and services to assist underachieving students. ((Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.))

Sec. 503. RCW 28A.165.015 and 2004 c 20 s 2 are each amended to read as follows:

LAP ADJUSTMENTS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade ((eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade)) twelve who scores below standard for his or her

grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

Sec. 504. RCW 28A.165.055 and 2008 c 321 s 10 are each amended to read as follows:

LAP ADJUSTMENTS. (((1))) Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with RCW 28A.150.260 and the ((biennial)) omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. ((The distribution formula shall be based on one or more family income factors measuring economic need.

(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.

(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.

(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.))

Sec. 505. RCW 28A.180.010 and 1990 c 33 s 163 are each amended to read as follows:

TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools(, and to provide supplemental financial assistance to school districts to meet the extra costs of these programs)).

Sec. 506. RCW 28A.180.080 and 1995 c 335 s 601 are each amended to read as follows:

TBIP ADJUSTMENTS. ((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.)) Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program(, priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district: PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).

Sec. 507. RCW 28A.185.010 and 1984 c 278 s 12 are each amended to read as follows:

Pursuant to rules ((and regulations)) adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by RCW ((28A.185.020)) 28A.150.260.

Sec. 508. RCW 28A.185.020 and 1990 c 33 s 168 are each amended to read as follows:

(1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on two percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

(2) Supplementary funds ((as may be)) provided by the state for ((this program, in accordance with RCW 28A.150.370,)) the program for highly capable students under RCW 28A.150.260 shall be categorical funding ((on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment)) to provide services to highly capable students as determined by a school district under RCW 28A.185.030.

Sec. 509. RCW 28A.225.200 and 1990 c 33 s 234 are each amended to read as follows:

EDUCATION BY OTHER DISTRICTS. (1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education(, PROVIDED, That)). Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for

apportionment purposes and otherwise payable pursuant to RCW ((28A.150.100,)) 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, ((28A.160.220)) 28A.300.035, and 28A.300.170((, and 28A.500.010)) shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration.

NEW SECTION. Sec. 510. The following acts or parts of acts are each repealed:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;

(4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

(5) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;

(6) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8; and

(7) RCW 28A.150.205 (Definition) and 1992 c 141 s 502.

PART VI MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 601. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 602. Sections 3, 102, and 108 of this act are each added to chapter 28A.150 RCW.

NEW SECTION. Sec. 603. Sections 101 through 110, 402 through 408, and 501 through 510 of this act take effect September 1, 2011.

NEW SECTION. Sec. 604. Section 409 of this act takes effect September 1, 2013.

NEW SECTION. Sec. 605. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall and Wallace.

Referred to Committee on Ways & Means.

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

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

There being no objection, the Committee on Judiciary was relieved of SUBSTITUTE SENATE BILL NO. 5610, and the bill was referred to the Committee on Transportation.

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

COMMITTEE APPOINTMENT

The Speaker (Representative Morris presiding) announced the following committee appointment:

Representative Grant-Herriot was appointed to the Committee on Agricultural & Natural Resources replacing Representative Jacks.

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

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 26, 2009

SB 5008 Prime Sponsor, Senator Hewitt: Regarding hunting licensing requirements for members of the military. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.155 and 2007 c 163 s 1 are each amended to read as follows:

(1)(a) When purchasing any hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least ten hours in the safe handling of firearms, safety, conservation, and sportsmanship. All persons purchasing any hunting license for the first time, if born after January 1, 1972, shall present such certification.

(b)(i) The director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of establishing the training program, exempt members of the United States military from the firearms skills portion of any instruction course completed over the internet.

(ii) The director may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations when establishing the training program.

(c) Upon the successful completion of a course established under this section, the trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

(d) The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

(2)(a) The director may authorize a once in a lifetime, one license year deferral of hunter education training for individuals who are accompanied by a nondeferred Washington-licensed hunter who has held a Washington hunting license for the prior three years and

is over eighteen years of age. The commission shall adopt rules for the administration of this subsection to avoid potential fraud and abuse.

(b) The director is authorized to collect an application fee, not to exceed twenty dollars, for obtaining the once in a lifetime, one license year deferral of hunter education training from the department. This fee must be deposited into the fish and wildlife enforcement reward account and must be used exclusively to administer the deferral program created in this subsection.

(c) For the purposes of this subsection, "accompanied" means to go along with another person while staying within a range of the other person that permits continual unaided visual and auditory communication.

(3) To encourage the participation of an adequate number of instructors for the training program, the commission shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

MINORITY recommendation: Without recommendation.
Signed by Representative Liias.

Passed to Committee on Rules for second reading.

March 25, 2009

ESSB 5011 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Prohibiting the sale or distribution of certain novelty lighters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority having jurisdiction" means the local organization, office, or individual responsible for enforcing the requirements of the state fire code.

(2) "Director" means the director of fire protection appointed under RCW 43.43.938.

(3) "Distribute" means to do any of the following:

(a) Sell novelty lighters or deliver novelty lighters for sale by another person to consumers;

(b) Sell or accept orders for novelty lighters that are to be transported from a point outside this state to a consumer within this state;

(c) Buy novelty lighters directly from a manufacturer or wholesale dealer for resale in this state;

(d) Give novelty lighters as a sample, prize, gift, or other promotion.

(4) "Manufacturer" means:

(a) An entity that produces, or causes the production of, novelty lighters for sale in this state;

(b) An importer or first purchaser of novelty lighters that intends to resell within this state novelty lighters that were produced for sale outside this state; or

(c) A successor to an entity, importer, or first purchaser described in (a) or (b) of this subsection.

(5)(a) "Novelty lighter" means a lighter that can operate on any fuel, including butane or liquid fuel. Novelty lighters have features that are attractive to children, including but not limited to visual effects, flashing lights, musical sounds, and toylike designs. The term considers the shape of the lighter to be the most important characteristic when determining whether a lighter can be considered a novelty lighter.

(b) "Novelty lighter" does not include disposable cigarette lighters or lighters that are printed or decorated with logos, decals, artwork, or heat shrinkable sleeves.

(6) "Retail dealer" means an entity at one location, other than a manufacturer or wholesale dealer, that engages in distributing novelty lighters.

(7) "Sell" means to transfer, or agree to transfer, title or possession for a monetary or nonmonetary consideration.

(8) "Wholesale dealer" means an entity that distributes novelty lighters to a retail dealer or other person for resale.

NEW SECTION. Sec. 2. (1) A person may not distribute or offer to sell a novelty lighter within this state if the director determines the novelty lighter is prohibited for sale or distribution under this chapter.

(2) This section does not apply if the novelty lighters are in interstate commerce and not intended for distribution in this state.

(3) The authority having jurisdiction shall enforce the provisions of this chapter.

NEW SECTION. Sec. 3. (1) The authority having jurisdiction may impose a civil penalty for a violation of this chapter. The civil penalty may not exceed:

(a) For a wholesale dealer that distributes or offers to sell novelty lighters to retail dealers or consumers, a written warning for the first violation and a monetary penalty of five hundred dollars for each subsequent violation.

(b) For a retail dealer that distributes or offers to sell novelty lighters to consumers, a written warning for the first violation and a monetary penalty of two hundred fifty dollars for each subsequent violation.

(2) The authority having jurisdiction may bring an action seeking:

(a) Injunctive relief to prevent or end a violation of this chapter;

(b) To recover civil penalties imposed under subsection (1) of this section; or

(c) To recover attorneys' fees and other enforcement costs and disbursements.

(3) Penalties under this section must be deposited in an account designated by the authority having jurisdiction.

(4) A district court has jurisdiction over all proceedings brought under this section.

NEW SECTION. Sec. 4. (1) On the effective date of this section, manufacturers must immediately cease the sale or distribution of novelty lighters in this state.

(2) On the effective date of this section, wholesalers and retail dealers have a maximum of ninety days to reduce their current inventory of novelty lighters. In no instance may wholesalers and retail dealers sell or distribute a novelty lighter in this state after ninety days from the effective date of this section.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 5107 Prime Sponsor, Senator Honeyford: Addressing renewable resource projects within energy overlay zones. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70C.020 and 1995 c 347 s 703 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Energy overlay zone" means a formal plan enacted by the county legislative authority which establishes suitable areas for siting renewable resource projects based on currently available resources and existing infrastructure with sensitivity to adverse environmental impact.

(2) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

((2)) (3) "Local jurisdiction" means a county, city, or incorporated town.

((3)) (4) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

(5) "Renewable resources" has the same meaning provided in RCW 19.280.020.

Sec. 2. RCW 36.70C.130 and 1995 c 347 s 714 are each amended to read as follows:

(1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under RCW 36.70C.120. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

(3) Land use decisions establishing renewable resource projects within a county energy overlay zone are presumed to be reasonable to the extent that they are in compliance with the requirements and standards established by ordinance for that zone provided that the ordinance for wind power generation projects is consistent with the department of fish and wildlife's wind power guidelines."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; DeBolt; Finn; Hasegawa; Herrera; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5199 Prime Sponsor, Committee on Environment, Water & Energy: Modifying provisions regarding the operators of public water supply systems. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass as amended:

On page 4, at the beginning of line 29, insert "(1)"

On page 4, after line 31, insert the following:

"(2) Backflow assembly testers who maintain or repair backflow assemblies, devices, or air gaps inside a building are subject to certification under chapter 18.106 RCW."

Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Finn; Hudgins; Kretz and Rolfes.

MINORITY recommendation: Without recommendation. Signed by Representative Dunshee.

Passed to Committee on Rules for second reading.

March 24, 2009

SB 5218 Prime Sponsor, Senator Carrell: Controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives.

Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.09.080 and 1995 c 216 s 8 are each amended to read as follows:

(1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter.

(2) Any person committed or detained pursuant to this chapter shall be prohibited from possessing or accessing a personal computer unless the resident's individualized treatment plan states that access to a computer is necessary or beneficial in bringing about a positive response to a specific and certain phase or course of treatment. A person who is prohibited from possessing or accessing a personal computer under this subsection shall have access to a stateowned computer in a computer lab located at the facility at times and for periods determined by the facility considering the status of compliance and need of the person and the resources available to the facility.

(3) Any person committed pursuant to this chapter has the right to adequate care and individualized treatment. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting attorney, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

~~((3))~~ (4) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

~~((4))~~ (5) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

~~((5))~~ (6) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so."

Correct the title.

Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5248

Prime Sponsor, Committee on Ways & Means: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Sec. 1.

ARTICLE I PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance and age requirements;

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

D. Facilitating the on-time graduation of children of military families;

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

G. Promoting coordination between this compact and other compacts affecting military children; and

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under Article IX of this compact, which is generally referred to as the interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

Q. "Transition" means: (1) The formal and physical process of transferring from school to school; or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed services" means the army, navy, air force, marine corps, and coast guard, as well as the commissioned corps of the national oceanic and atmospheric administration, and public health services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in section B of this article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the national guard and military reserves;

2. Members of the uniformed services now retired, except as provided in section A of this article;

3. Veterans of the uniformed services, except as provided in section A of this article; and

4. Other U.S. department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records – In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission. However, if the student has an unpaid fine at a public school or unpaid tuition, fees, or fines at a private school, then the sending school shall send the information requested but may withhold the official transcript until the monetary obligation is met.

C. Immunizations – On or before the first day of attendance, the parent or guardian must meet the immunization documentation

requirements of the Washington board of health. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and first grade entrance age – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

ARTICLE V PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and if space is available, as determined by the school district. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. Educational program placement – The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state and if space is available, as determined by the school district. Such programs include, but are not limited to: (1) Gifted and talented programs; and (2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services – (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) in compliance with the requirements of section 504 of the rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility – Local education agency administrative officials shall have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities – A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI ELIGIBILITY

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - Under RCW 28A.225.280, the Washington interscholastic activities association and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified and space is available, as determined by the school district.

ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements – Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - For students entering high school in eleventh or twelfth grade, states shall accept: (1) Exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of section C of this article shall apply.

C. Transfers during senior year – Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with sections A and B of this article.

ARTICLE VIII STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: The state superintendent of public instruction, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. The governor is strongly encouraged to appoint a practicing K-12 educator as the compact commissioner.

D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

B. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel, and other interstate compacts affecting the education of children of military members;

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

E. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rule making, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. department of defense shall serve as an ex officio, nonvoting member of the executive committee;

F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by federal and state statute;

3. Disclose trade secrets or commercial or financial information which is privileged or confidential;

4. Involve accusing a person of a crime, or formally censuring a person;

5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigative records compiled for law enforcement purposes; or

7. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding;

H. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

J. Create a process that permits military officials, education officials, and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

A. To provide for dispute resolution among member states;

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

E. To establish and maintain offices which shall be located within one or more of the member states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire, or contract for services of personnel;

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, section E of this compact, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

M. To establish a budget and make expenditures;

N. To adopt a seal and bylaws governing the management and operation of the interstate commission;

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

P. To coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;

Q. To establish uniform standards for the reporting, collecting, and exchanging of data;

R. To maintain corporate books and records in accordance with the bylaws;

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the interstate commission;

2. Establishing an executive committee, and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

4. Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the interstate commission;

6. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

7. Providing "start up" rules for initial administration of the compact.

B. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without

compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. Executive committee, officers, and personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

D. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees

of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII
RULE-MAKING FUNCTIONS OF
THE INTERSTATE COMMISSION

A. Rule-making authority - The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding its rule-making authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rule-making procedure - Rules shall be made pursuant to a rule-making process that substantially conforms to the "model state administrative procedure act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII
OVERSIGHT, ENFORCEMENT, AND DISPUTE
RESOLUTION

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

3. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

B. Default, technical assistance, suspension, and termination - If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

2. Provide remedial training and specific technical assistance regarding the default;

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations the performance of which extends beyond the effective date of suspension or termination;

6. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

7. The defaulting state may appeal the action of the interstate commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission, may by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007.

Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

C. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the

withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

B. Dissolution of compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding effect of the compact

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 2. RCW 28A.225.330 and 2006 c 263 s 805 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under section 1, Article II of this act. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under section 1, Article II of this act shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

~~((4))~~ (5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

~~((5))~~ (6) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

Sec. 3. RCW 28A.225.160 and 2006 c 263 s 703 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs

of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt ~~((regulations))~~ rules for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

(2) A student who meets the definition of a child of a military family in transition under section 1, Article II of this act shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of the student when attending school in the sending state as defined in section 1, Article II of this act, regardless of age or birthdate requirements.

Sec. 4. RCW 28A.185.030 and 1984 c 278 s 13 are each amended to read as follows:

Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules ~~((and regulations))~~ adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) When a student, who is a child of a military family in transition, has been assessed or enrolled as highly capable by a sending school, the receiving school shall initially honor placement of the student into a like program.

(a) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(b) The receiving school may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

(3) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

(4) The definitions in section 1, Article II of this act apply to subsection (2) of this section.

Sec. 5. RCW 28A.180.040 and 2001 1st sp.s. c 6 s 4 are each amended to read as follows:

(1) Every school district board of directors shall:

~~((+))~~ (a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction((-));

~~((+))~~ (b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program((-);

~~((+))~~ (c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases((-);

~~((+))~~ (d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of, or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

(i) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction(.-); and

~~((+))~~ (f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models.

(2) The definitions in section 1, Article II of this act apply to subsection (1)(d) of this section.

Sec. 6. RCW 28A.225.210 and 1990 c 33 s 235 are each amended to read as follows:

Every school district shall admit on a tuition free basis: (1) All persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this ((section)) subsection shall be construed as affecting RCW 28A.225.220 or 28A.225.250; and (2) all students who meet the definition of children of military families in transition under section 1, Article II of this act who are in the care of a noncustodial parent or other person standing in loco parentis and who lives in another state while the parent is under military orders.

Sec. 7. RCW 28A.225.225 and 2008 c 192 s 1 are each amended to read as follows:

(1) Except for students who reside out-of-state and students under section 8 of this act, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll:

(a) At the school to which the employee is assigned;

(b) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or

(c) At a school in the district that provides early intervention services pursuant to RCW 28A.155.065 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(2) A district may reject applications under this section if:

(a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(b) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (2)(b) must apply uniformly to both resident and nonresident applicants; or

(c) Enrollment of a child under this section would displace a child who is a resident of the district, except that if a child is admitted under subsection (1) of this section, that child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling.

(3) Except as provided in subsection (1) of this section, all districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

(a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership; or

(c) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (3)(c) must apply uniformly to both resident and nonresident applicants.

For purposes of subsections (2)(a) and (3)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(4) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

NEW SECTION. Sec. 8. A new section is added to chapter 28A.225 RCW to read as follows:

(1) A student shall be permitted to remain enrolled in the school in which the student was enrolled while residing with the custodial parent if the student:

(a) Meets the definition of a child of a military family in transition under section 1, Article II of this act; and

(b) Is placed in the care of a noncustodial parent or guardian when the custodial parent is required to relocate due to military orders.

(2) A nonresident school district shall not be required to provide transportation to and from the school unless otherwise required by state or federal law.

NEW SECTION. Sec. 9. By December 1, 2014, the state council, created in accordance with section 1 of this act, shall conduct a review of the implementation of the interstate compact on educational opportunity for military children and recommend to the state legislature whether Washington should continue to be a member of the compact and whether any other actions should be taken.

NEW SECTION. Sec. 10. Sections 1 and 9 of this act constitute a new chapter in Title 28A RCW."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeyer; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

March 25, 2009

SB 5315 Prime Sponsor, Senator Schoesler: Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeyer, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5412 Prime Sponsor, Senator Eide: Controlling saltwater algae. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 88.02.050 and 2007 c 342 s 5 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established 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 RCW 88.02.270, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.

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

(c) (~~One dollar~~) Seventy-five cents must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.

(e) Twenty-five cents must be deposited in the saltwater algae control account created in section 2 of this act.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals (~~therefor~~), for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:

(1) The saltwater algae control account is created in the state treasury. All receipts designated for deposit to the account in RCW 88.02.050 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used as provided in this section.

(2) Funds in the saltwater algae control account may be appropriated to the department to develop a saltwater aquatic algae control grant program. Funds must be expended as grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study excessive saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

(3)(a) Grant awards may be made both for proactive investments in saltwater algae research and control and for rapid response to emerging incidents and immediate restoration following algal incidents. Grants may either be awarded prospectively when intended for proactive investments or as reimbursement for rapid response or immediate restoration.

(b) The department shall allow potential grantees to contact the department prior to investing in rapid response or immediate restoration actions to ensure that the saltwater algae control account has adequate funds to reimburse the rapid response and immediate

restoration actions. To facilitate both timely reimbursement and the department's ability to provide assurances that reimbursement funding can be provided, the department shall develop a process that allows potential grantees to be screened and evaluated prior to a saltwater algae incident.

(4) When appropriate, grant awards must be prioritized to benefit:

(a) Areas of marine waters with documented significant sea lettuce growth;

(b) Potential grantees capable and willing to provide matching funds either directly or through a third party; and

(c) Potential grantees that are Puget Sound partners as that term is defined in RCW 90.71.010. However, the department shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under RCW 90.71.310, or for any other reason may not be given less preferential treatment than Puget Sound partners.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act expire June 30, 2013."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Jacks; Liias; McCoy; Nelson; Ormsby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Referred to Committee on General Government Appropriations.

March 26, 2009

SB 5511 Prime Sponsor, Senator Prentice: Making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5542 Prime Sponsor, Senator Franklin: Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander,

Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5562 Prime Sponsor, Senator Morton: Concerning forestry operations. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5565 Prime Sponsor, Committee on Environment, Water & Energy: Regarding the use of certain solid fuel burning devices. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass as amended:

On page 3, line 1, after "with the" strike "local air pollution control authority to implement the prohibition" and insert "department or local air pollution control authority as the department or the local air pollution control authority implements the prohibition. However, cooperation shall not include enforcement of this prohibition. The responsibility for actual enforcement of the prohibition shall reside solely with the department or the local air pollution control authority"

Signed by Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member and Kretz.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5613 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5677 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the dairy nutrient management program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5695 Prime Sponsor, Senator Oemig: Authorizing the Washington state patrol to accept donations. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 23, 2009

SSB 5724 Prime Sponsor, Committee on Environment, Water & Energy: Concerning the generation of electricity from biomass energy that is a renewable resource. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. (1) Any county legislative authority of a county where a public utility district owns and operates a plant or system for the generation, transmission, and distribution of electric energy for sale within the county may construct, purchase, acquire, operate, and maintain a facility to generate electricity from biomass energy that is a renewable resource under RCW 19.285.030 or from biomass energy that is produced from lignin in spent pulping liquors or liquors derived from algae and other sources. The county legislative authority has the authority to regulate and control the use, distribution, sale, and price of the electricity produced from the biomass facility authorized under this section.

(2) For the purposes of this section:

(a) "County legislative authority" means the board of county commissioners or the county council; and

(b) "Public utility district" means a municipal corporation formed under chapter 54.08 RCW.

NEW SECTION, Sec. 2. Section 1 of this act constitutes a new chapter in Title 36 RCW."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; DeBolt; Finn; Hasegawa; Herrera; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5738 Prime Sponsor, Committee on Early Learning & K-12 Education: Requiring the office of the superintendent of public instruction to review annual school district compliance reports. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION Sec. 1.** (1) Within existing resources, the office of the superintendent of public instruction shall review all annual compliance reports required of school districts.

(2) The office of the superintendent of public instruction shall make recommendations about which reports should be:

(a) Discontinued;

(b) Integrated into the longitudinal student data system established in RCW 28A.300.500; or

(c) Maintained in their current form.

(3) The office of the superintendent of public instruction shall also recommend which federal reporting requirements may be used to meet state reporting requirements in order to avoid duplication of reports.

(4) By December 1, 2009, the office of the superintendent of public instruction shall provide a final report on the status of the annual compliance reports to the appropriate policy and fiscal committees of the legislature."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5765 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the fruit and vegetable district fund. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

March 25, 2009

SB 5767 Prime Sponsor, Senator Rockefeller: Making nonsubstantive changes clarifying outdoor burning

provisions of the Washington clean air act. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Dunshee; Finn; Hudgins; Kretz and Rolfes.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5881 Prime Sponsor, Committee on Human Services & Corrections: Changing provisions involving truancy. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5909 Prime Sponsor, Senator Murray: Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5952 Prime Sponsor, Senator McDermott: Modifying the definition of "sexual orientation" for malicious harassment prosecution purposes. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member Klippert, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5974 Prime Sponsor, Senator Morton: Regarding live nonambulatory livestock. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.36.116 and 2007 c 71 s 3 are each amended to read as follows:

(1) Any person found transporting animals on the public roads of this state that are not accompanied by valid health certificates, permits, or other documents as required by this chapter or its rules has committed a class 1 civil infraction.

(2) Any person who knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock has committed a civil infraction and shall be assessed a monetary penalty not to exceed one thousand dollars. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation. Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot. For the purposes of this section, "nonambulatory livestock" has the same meaning as in RCW 16.52.225.

(3) The director is authorized to issue notices of and enforce civil infractions in the manner prescribed under chapter 7.80 RCW.

Sec. 2. RCW 16.52.225 and 2004 c 234 s 1 are each amended to read as follows:

(1) Unless otherwise cited for a civil infraction by the department of agriculture under RCW 16.36.116(2), a person is guilty of a gross misdemeanor punishable as provided in RCW 9A.20.021 if he or she knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation.

(2) Nonambulatory livestock must be humanely euthanized before transport to, from, or between locations listed in subsection (1) of this section.

(3) Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot.

(4) For the purposes of this section, "nonambulatory livestock" means cattle, sheep, swine, goats, horses, mules, or other equine that cannot rise from a recumbent position or cannot walk, including but not limited to those with broken appendages, severed tendons or ligaments, nerve paralysis, a fractured vertebral column, or metabolic conditions."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 25, 2009

ESSB 5978 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Establishing certain consumer rebate requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 2, line 7, after "offering" strike "or processing"
On page 2, after line 12, insert the following:

"(4) This section applies only to the person offering the rebate, which is the person who provides the cash, credit, or credit towards future purchases to the consumer. This section does not apply to a person who processes a rebate or who provides consumers with instructions or materials related to a rebate."

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5986 Prime Sponsor, Senator Kauffman: Permitting certain higher education employees to engage in collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

March 25, 2009

SSB 6016 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding educator training to enhance skills of students with dyslexia. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Dyslexia is a language-based learning disability that affects individuals throughout their lives. Washington state has a long-standing tradition of working to serve its students with dyslexia. Since 2005, the legislature has provided funding for five pilot projects to implement research-based, multisensory literacy intervention for students with dyslexia. Participating schools were required to have a three-tiered reading structure in place, provide professional development training to teachers, assess students, and collect and maintain data on student progress.

The legislature finds that the students receiving intervention support through the dyslexia pilot projects have made substantial and steady academic gains. The legislature intends to sustain this work and expand the implementation to a level of statewide support for students with dyslexia by developing and providing information and training, including a handbook to continue to improve the skills of our students with dyslexia.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Within available resources, the office of the superintendent of public instruction, in consultation with the school districts that participated in the Lorraine Wojahn dyslexia pilot program, and with an international nonprofit organization dedicated to supporting

efforts to provide appropriate identification of and instruction for individuals with dyslexia, shall:

(a) Develop an educator training program to enhance the reading, writing, and spelling skills of students with dyslexia. The training program must provide research-based, multisensory literacy intervention professional development in the areas of dyslexia and intervention implementation. The program shall be posted on the web site of the office of the superintendent of public instruction. The training program may be regionally delivered through the educational service districts. The educational service districts may seek assistance from the international nonprofit organization to deliver the training; and

(b) Develop a dyslexia handbook to be used as a reference for teachers and parents of students with dyslexia. The handbook shall be modeled after other state dyslexia handbooks, and shall include guidelines for school districts to follow as they identify and provide services for students with dyslexia. Additionally, the handbook shall provide school districts, and parents and guardians with information regarding the state's relevant statutes and their relation to federal special education laws. The handbook shall be posted on the web site of the office of the superintendent of public instruction.

(2) Beginning September 1, 2009, and annually thereafter, each educational service district shall report to the office of the superintendent of public instruction the number of individuals who participate in the training developed and offered by the educational service district. The office of the superintendent of public instruction shall report that information to the legislative education committees."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 26, 2009

SSB 5007 Prime Sponsor, Committee on Higher Education & Workforce Development: Allowing public technical colleges to offer degrees that prepare students to transfer to certain bachelor degree programs. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

March 26, 2009

ESB 5014 Prime Sponsor, Senator McAuliffe: Concerning the exemption of the special commitment center under the public records act. (REVISED FOR ENGROSSED: Concerning exempting special commitment center and private detention facility security information from public disclosure.) Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5042 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Providing a waiver of penalties for first-time paperwork violations by small businesses. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 2, at the beginning of line 8, strike "or"

On page 2, line 8, after "receipt" insert ", a regulated entity's financial filings, or insurance rate or form filing"

On page 2, after line 33, insert the following:

"(6) Nothing in this section shall be construed to apply to small businesses required to provide accurate and complete information and documentation in relation to any claim for payment of state or federal funds or who are licensed or certified to provide care and services to vulnerable adults or children."

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

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on Ways & Means.

March 26, 2009

SSB 5048 Prime Sponsor, Committee on Higher Education & Workforce Development: Providing for coordination of workforce and economic development. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Community & Economic Development & Trade. (For committee amendment, see Journal, Day 72, March 24, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Hope, Assistant Ranking Minority Member; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Priest, Ranking Minority Member and Anderson.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5177 Prime Sponsor, Committee on Higher Education & Workforce Development: Creating a global Asia institute within the Henry M. Jackson School of International Studies. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. (For committee amendment,

see Journal, Day 72, March 24, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 5180 Prime Sponsor, Senator Haugen: Permitting public transit vehicle stops at unmarked stop zones under certain circumstances. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.560 and 1991 c 319 s 408 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions. However, public transportation service providers, including private, nonprofit transportation providers regulated under chapter 81.66 RCW, may allow the driver of a transit vehicle to stop upon the roadway momentarily to receive or discharge passengers at an unmarked stop zone only under the following circumstances: (a) The driver stops the vehicle in a safe and practicable position; (b) the driver activates four-way flashing lights; and (c) the driver stops at a portion of the highway with an unobstructed view, for an adequate distance so as to not create a hazard, for other drivers.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW (~~36.58.030~~ ~~{36.58.040}~~) 36.58.040."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5229 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding the legislative youth advisory council. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on Education Appropriations.

March 26, 2009

SSB 5271 Prime Sponsor, Committee on Government Operations & Elections: Modifying provisions relating to candidate filing. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5276 Prime Sponsor, Committee on Higher Education & Workforce Development: Increasing the availability of engineering programs in public universities. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

March 24, 2009

SB 5289 Prime Sponsor, Senator Ranker: Adding a certain ferry route and roads to the scenic and recreational highway system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.39.020 and 2003 c 55 s 1 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction

by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin; also

Beginning at the junction with state route number 17, in the vicinity of Coulee City, thence easterly to the junction with state route number 155;

(2) State route number 3, beginning at a junction with state route number 101 in the vicinity of Shelton, thence northeasterly and northerly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 4, beginning at the junction with state route number 101, thence easterly through Cathlamet to Coal Creek road, approximately .5 miles west of the Longview city limits;

(4) State route number 6, beginning at the junction with state route number 101 in Raymond, thence easterly to the junction with state route number 5, in the vicinity of Chehalis;

(5) State route number 7, beginning at the junction with state route number 12 in Morton, thence northerly to the junction with state route number 507;

(6) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(7) State route number 9, beginning at the junction with state route number 530 in Arlington, thence northerly to the end of the route at the Canadian border;

(8) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(9) State route number 11, beginning at the junction with state route number 5 in the vicinity of Burlington, thence in a northerly direction to the junction with state route number 5;

(10) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynoochee river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at a junction with state route number 5, thence easterly by way of Morton, Randle, and Packwood to the junction with state route number 410, approximately 3.5 miles west of Naches; also

Beginning at the junction with state route number 124 in the vicinity of the Tri-Cities, thence easterly through Wallula and Touchet to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(11) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(12) State route number 17, beginning at a junction with state route number 395 in the vicinity of Mesa, thence northerly to the junction with state route number 97 in the vicinity of Brewster;

(13) State route number 19, the Chimacum-Beaver Valley road, beginning at the junction with state route number 104, thence northerly to the junction with state route number 20;

(14) State route number 20, beginning at the junction with state route number 101 to the ferry zone in Port Townsend; also

Beginning at the Keystone ferry slip on Whidbey Island, thence northerly and easterly to a junction with state route number 153 southeast of Twisp; also

Beginning at the junction of state route number 97 in the vicinity of Okanogan, thence westerly across the Okanogan river to the junction with state route number 215; also

Beginning at a junction with state route number 97 near Tonasket, thence easterly and southerly to a junction with state route number 2 at Newport;

(15) State route number 25, beginning at the Spokane river bridge, thence northerly through Cedonia, Gifford, Kettle Falls, and Northport, to the Canadian border;

(16) State route number 26, beginning at the Whitman county boundary line, thence easterly by way of the vicinities of La Crosse and Dusty to a junction with state route number 195 in the vicinity of Colfax;

(17) State route number 27, beginning at a junction with state route number 195 in the vicinity of Pullman, thence northerly by way of the vicinities of Palouse and Garfield to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence northerly to the vicinity of Tekoa;

(18) State route number 31, beginning at the junction with state route number 20 in Tiger, thence northerly to the Canadian border;

(19) State route number 82, beginning at the junction with state route number 395 south of the Tri-Cities area, thence southerly to the end of the route at the Oregon border;

(20) State route number 90, beginning at the junction with East Sunset Way in the vicinity east of Issaquah, thence easterly to Thorp road 9.0 miles west of Ellensburg;

(21) State route number 97, beginning at the Oregon border, in a northerly direction through Toppenish and Wapato to the junction with state route number 82 at Union Gap; also

Beginning at the junction with state route number 10, 2.5 miles north of Ellensburg, in a northerly direction to the junction with state route number 2, 4.0 miles east of Leavenworth; also

Beginning at the junction of state route number 153 in the vicinity south of Pateros, thence northerly by way of the vicinities of Brewster, Okanogan, Omak, Riverside, Tonasket, and Oroville to the international boundary line;

(22) State route number 97 alternate, beginning at the junction with state route number 2 in the vicinity of Monitor, thence northerly to the junction with state route number 97, approximately 5.0 miles north of Chelan;

(23) State route number 101, beginning at the Astoria-Megler bridge, thence north to Fowler street in Raymond; also

Beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the junction with state route number 5 in the vicinity of Olympia;

(24) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the Kingston ferry crossing;

(25) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(26) State route number 109, beginning at a junction with state route number 101 in Hoquiam to a junction with state route number 101 in the vicinity of Queets;

(27) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(28) State route number 116, beginning at the junction with the Chiamacum-Beaver Valley road, thence in an easterly direction to Fort Flagler State Park;

(29) State route number 119, beginning at the junction with state route number 101 at Hoodspout, thence northwesterly to the Mount Rose development intersection;

(30) State route number 122, Harmony road, between the junction with state route number 12 near Mayfield dam and the junction with state route number 12 in Mossyrock;

(31) State route number 123, beginning at the junction with state route number 12 in the vicinity of Morton, thence northerly to the junction with state route number 410;

(32) State route number 129, beginning at the Oregon border, thence northerly to the junction with state route number 12 in Clarkston;

(33) State route number 141, beginning at the junction with state route number 14 in Bingen, thence northerly to the end of the route at the Skamania county line;

(34) State route number 142, beginning at the junction with state route number 14 in Lyle, thence northeasterly to the junction with state route number 97, .5 miles from Goldendale;

(35) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(36) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northerly and westerly to the junction with state route number 215;

(37) State route number 194, beginning at the Port of Almota to the junction with state route number 195 in the vicinity of Pullman;

(38) State route number 195, beginning at the Washington-Idaho boundary line southeast of Uniontown, thence northwesterly and northerly by way of the vicinity of Colton, Pullman, Colfax, Steptoe, and Rosalia to the Whitman county boundary line;

(39) State route number 202, beginning at the junction with state route number 522, thence in an easterly direction to the junction with state route number 90 in the vicinity of North Bend;

(40) State route number 211, beginning at the junction with state route number 2, thence northerly to the junction with state route number 20 in the vicinity of Usk;

(41) State route number 215, beginning at the junction of state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak;

(42) State route number 231, beginning at the junction with state route number 23, in the vicinity of Sprague, thence in a northerly direction to the junction with state route number 2, approximately 2.5 miles west of Reardan;

(43) State route number 261, beginning at the junction with state route number 12 in the vicinity of Delaney, thence northwesterly to the junction with state route number 260;

(44) State route number 262, beginning at the junction with state route number 26, thence northeasterly to the junction with state route number 17 between Moses Lake and Othello;

(45) State route number 271, beginning at a junction with state route number 27 in the vicinity of Oakesdale, thence northwesterly to a junction with state route number 195 in the vicinity south of Rosalia;

(46) State route number 272, beginning at the junction with state route number 195 in Colfax, thence easterly to the Idaho state line, approximately 1.5 miles east of Palouse;

(47) State route number 305, beginning at the Winslow ferry dock to the junction with state route number 3 approximately 1.0 mile north of Poulsbo;

(48) State route number 395, beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

(49) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

(50) State route number 410, beginning 4.0 miles east of Enumclaw, thence in an easterly direction to the junction with state route number 12, approximately 3.5 miles west of Naches;

(51) State route number 501, beginning at the junction with state route number 5 in the vicinity of Vancouver, thence northwesterly on the New Lower River road around Vancouver Lake;

(52) State route number 503, beginning at the junction with state route number 500, thence northerly by way of Battle Ground and Yale to the junction with state route number 5 in the vicinity of Woodland;

(53) State route number 504, beginning at a junction with state route number 5 at Castle Rock, to the end of the route on Johnston Ridge, approximately milepost 52;

(54) State route number 505, beginning at the junction with state route number 504, thence northwesterly by way of Toledo to the junction with state route number 5;

(55) State route number 508, beginning at the junction with state route number 5, thence in an easterly direction to the junction with state route number 7 in Morton;

(56) State route number 525, beginning at the ferry toll booth on Whidbey Island to a junction with state route number 20 east of the Keystone ferry slip;

(57) State route number 542, beginning at the junction with state route number 5, thence easterly to the vicinity of Austin pass in Whatcom county;

(58) State route number 547, beginning at the junction with state route number 542 in Kendall, thence northwesterly to the junction with state route number 9 in the vicinity of the Canadian border;

(59) State route number 706, beginning at the junction with state route number 7 in Elbe, in an easterly direction to the end of the route at Mt. Rainier National Park;

(60) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

(61) State route number 971, Navarre Coulee road, between the junction with state route number 97 and the junction with South Lakeshore road;

(62) Beginning at the Anacortes ferry landing, the Washington state ferries Anacortes/San Juan Islands route, which includes stops at Lopez, Shaw, Orcas, and San Juan Islands; and the roads on San Juan and Orcas Islands as described in San Juan Island county council resolution number 7, adopted February 5, 2008;

(63) All Washington state ferry routes."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member and Cox.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5295 Prime Sponsor, Committee on Government Operations & Elections: Implementing unanimous recommendations of the public records exemptions accountability committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 5, beginning on line 18, strike all of section 3
Renummer the remaining sections consecutively, correct internal references accordingly and correct the title.

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5303 Prime Sponsor, Senator Hobbs: Transferring public employees' retirement system plan 2 members to the school employees' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5305 Prime Sponsor, Senator Schoesler: Repealing certain obsolete state retirement system statutes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5401 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.09.040 and 2000 c 11 s 3 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions;

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(e) Allow for the development of watershed analyses.

Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices rules shall be adopted by the board.

Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board shall prepare proposed forest practices rules. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices rules relating to problems existing within such county. The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3) The board shall establish by rule a program for the acquisition of riparian open space ((program that includes acquisition of a fee interest in, or at the landowner's option, a conservation easement on)) and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined ((avulsing)) channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held

and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. ~~((Because there are few, if any, comparable sales of forest land within unconfined avulsing channel migration zones, separate from the other lands or assets, these lands are likely to be extraordinarily difficult to appraise and the cost of a conventional appraisal often would be unreasonable in relation to the value of the land involved. Therefore, for the purposes of voluntary sales under this section, the legislature declares that these lands are presumed to have a value equal to: (a) The acreage in the sale multiplied by the average value of commercial forest land in the region under the land value tables used for property tax purposes under RCW 84.33.120; plus (b) the cruised volume of any timber located within the channel migration multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091. For purposes of this section, there shall be an eastside region and a westside region as defined in the forests and fish report as defined in RCW 76.09.020-;))~~ For the purposes of conservation easements entered into under this section, the following apply: (a) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091; (b) for conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(4) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department ~~((is directed to purchase a fee interest or, at the owner's option;))~~ must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined ((avulsing)) channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open

space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(5) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(6) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

Sec. 2. RCW 84.33.140 and 2007 c 54 s 24 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$234
	2	229
	3	217
	4	157
2	1	198
	2	190
	3	183
	4	132
3	1	154
	2	149
	3	148
	4	113
4	1	117
	2	114
	3	113
	4	86
5	1	85
	2	78
	3	77
	4	52
6	1	43
	2	39
	3	39
	4	37
7	1	21
	2	21
	3	20
	4	20
8		1

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the

adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall

annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the

amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a ~~((fee interest or a))~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as

forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h).

(14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 3. RCW 84.34.108 and 2007 c 54 s 25 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of the land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a ~~((fee interest or a))~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k).

Sec. 4. RCW 76.09.020 and 2003 c 311 s 3 are each amended to read as follows:

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

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" means the commissioner of public lands.

(5) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(6) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(7) "Department" means the department of natural resources.

(8) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(9) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land

was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(10) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(11) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(12) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(13) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(14) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(15) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(16) "Application" means the application required pursuant to RCW 76.09.050.

(17) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(18) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(19) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(20) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(21) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(22) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(23) "Board" means the forest practices board created in RCW 76.09.030.

(24) "Unconfined ((~~avulsing~~)) channel migration zone" means the area within which the active channel of an unconfined ((~~avulsing~~)) stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined ((~~avulsing~~)) stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement."

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on Capital Budget.

March 23, 2009

SSB 5509 Prime Sponsor, Committee on Transportation: Clarifying rental car company charges, surcharges, and fees to be included in rental car agreements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5571 Prime Sponsor, Committee on Ways & Means: Requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 26, 2009

ESSB 5583 Prime Sponsor, Committee on Environment, Water & Energy: Improving the effectiveness of water bank and exchange provisions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many watershed groups and programs, including but not limited to watershed planning units operating under chapter 90.82 RCW, have proposed or considered using the state trust water rights program for water banking purposes to meet vital instream and out-of-stream needs within a watershed or region. The legislature also finds that water banking can: Provide critical tools to make water supplies available when and where needed during times of drought; improve stream flows and preserve instream values during fish critical periods; reduce water transaction costs, time, and risk to purchasers; facilitate fair and efficient reallocation of water from one beneficial use to another; provide water supplies to offset impacts related to future development and the issuance of new water rights; and facilitate water agreements that protect upstream community values while retaining flexibility to meet critical downstream water needs in times of scarcity. The legislature therefore declares that the intent of this act is to provide clear authority for water banking throughout the state and to improve the effectiveness of the state trust water rights program.

Sec. 2. RCW 90.42.100 and 2003 c 144 s 2 are each amended to read as follows:

(1) The department is hereby authorized to use the trust water rights program (~~in the Yakima river basin~~) for water banking purposes statewide.

(2) Water banking may be used for one or more of the following purposes:

(a) To authorize the use of trust water rights to mitigate for water resource impacts, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor, except that within the Yakima river basin return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users;

(b) To document transfers of water rights to and from the trust water rights program; and

(c) To provide a source of water rights the department can make available to third parties on a temporary or permanent basis for any beneficial use under chapter 90.03, 90.44, or 90.54 RCW.

(3) The department shall not use water banking to:

(a) Cause detriment or injury to existing rights;

(b) Issue temporary water rights or portions thereof for new potable uses requiring an adequate and reliable water supply under RCW 19.27.097;

(c) Administer federal project water rights, including federal storage rights; or

(d) Allow carryover of stored water in the Yakima basin from one water year to another water year if it would negatively impact the total water supply available.

(4) The department shall provide notice and opportunity for comment to affected local governments and federally recognized tribal governments prior to utilizing the trust water rights program for water banking purposes for the first time in each watershed.

(5) Nothing in this section may be interpreted or administered in a manner that precludes the use of the department's existing authority to process trust water rights applications under this chapter or to process water right applications under chapter 90.03 or 90.44 RCW.

(6) For purposes of this section and RCW 90.42.135, "total water supply available" shall be defined as provided in the 1945 consent decree between the United States and water users in the Yakima river basin, and consistent with later interpretation by state and federal courts.

Sec. 3. RCW 90.42.020 and 1991 c 347 s 6 are each amended to read as follows:

~~(Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Local government" means a city, town, public utility district, county, sewer district, or water district.

(3) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

~~(3))~~ (4) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

~~(4))~~ (5) "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).

~~(5))~~ (6) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on July 28, 1991.

Sec. 4. RCW 90.42.040 and 2002 c 329 s 8 are each amended to read as follows:

(1) ~~(All trust water rights))~~ A trust water right acquired by the state shall be placed in the state trust water rights program to be managed by the department. The department shall exercise its authorities under the law in a manner that protects trust water rights. Trust water rights acquired by the state shall be held ~~((or))~~ in trust and authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas, or to resolve critical water supply problems. The state may acquire a groundwater right to be placed in the state trust water rights program. To the extent practicable and subject to legislative appropriation, trust water rights acquired in an area with an approved watershed plan developed under chapter 90.82 RCW shall be consistent with that plan if the plan calls for such acquisition.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right

conveyed to the state indicating the quantity of water transferred to trust, the reach or reaches of the stream((-the quantity)) or the body of public groundwater that constitutes the place of use of the trust water right, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between ~~((them))~~ the two rights, the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment. A trust water right acquired by the state and held or authorized for beneficial use by the department is considered to be exercised as long as it is in the trust water rights program. For the purposes of RCW 90.03.380(1) and 90.42.080(9), the consumptive quantity of a trust water right acquired by the state and held or authorized for use by the department is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

~~(8) ((Subsections (4) and (5) of this section do not apply to a trust water right resulting from a donation for instream flows described in RCW 90.42.080(1)(b) or to a trust water right leased under RCW 90.42.080(8) if the period of the lease does not exceed five years. However, the department shall provide the notice described in subsection (5) of this section the first time the trust water right resulting from the donation is exercised.~~

~~(9))~~ Where a portion of an existing water right that is acquired or donated to the trust water rights program will assist in achieving established instream flows, the department shall process the change or amendment of the existing right without conducting a review of the extent and validity of the portion of the water right that will remain with the water right holder.

Sec. 5. RCW 90.42.080 and 2002 c 329 s 9 are each amended to read as follows:

(1)(a) The state may acquire all or portions of existing surface water or groundwater rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or

combination of persons or entities. Once acquired, such rights are trust water rights. A water right acquired by the state that is expressly conditioned to limit its use to instream purposes shall be administered as a trust water right in compliance with that condition.

(b) If the holder of a right to surface water ~~((from a body of water))~~ or groundwater chooses to donate all or a portion of the person's water right to the trust water system to assist in providing instream flows or to preserve surface water or groundwater resources on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the requirements of subsection (4) of this section and the other applicable requirements of this chapter and the terms prescribed are relevant and material to protecting any interest in the water right retained by the donor. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) Except as provided in subsections (10) and (11) of this section, a water right donated under subsection (1)(b) of this section shall not exceed the extent to which the water right was exercised during the five years before the donation nor may the total of any portion of the water right remaining with the donor plus the donated portion of the water right exceed the extent to which the water right was exercised during the five years before the donation. A water right holder who believes his or her water right has been impaired by a trust water right donated under subsection (1)(b) of this section may request that the department review the impairment claim. If the department determines that ~~((exercising the))~~ a trust water right resulting from ~~((the))~~ a donation ~~((or exercising a portion of that trust water right donated))~~ under subsection (1)(b) of this section is impairing existing water rights in violation of RCW 90.42.070, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not to alter a trust water right donated under subsection (1)(b) of this section is appealable to the pollution control hearings board under RCW 43.21B.230. A donated water right's status as a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(5) The provisions of RCW 90.03.380 and 90.03.390 do not apply to donations for instream flows described in subsection (1)(b) of this section, but do apply to other transfers of water rights under this section except that the consumptive quantity of a trust water right acquired by the state and held or authorized for use by the department is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(6) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

(7) Any water right conveyed to the trust water right system as a gift that is expressly conditioned to limit its use to instream purposes shall be managed by the department for public purposes to ensure that it qualifies as a gift that is deductible for federal income taxation purposes for the person or entity conveying the water right.

(8) Except as provided in subsections (10) and (11) of this section, if the department acquires a trust water right by lease, the amount of the trust water right shall not exceed the extent to which the water right was exercised during the five years before the acquisition was made nor may the total of any portion of the water

right remaining with the original water right holder plus the portion of the water right leased by the department exceed the extent to which the water right was exercised during the five years before the acquisition. A water right holder who believes his or her water right has been impaired by a trust water right leased under this subsection may request that the department review the impairment claim. If the department determines that ~~((exercising the))~~ a trust water right resulting from the leasing ~~((or exercising of a portion))~~ of that trust water right leased under this subsection is impairing existing water rights in violation of RCW 90.42.070, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not to alter a trust water right leased under this subsection is appealable to the pollution control hearings board under RCW 43.21B.230. The department's leasing of a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(9) For a water right donated to or acquired by the trust water rights program on a temporary basis, the full quantity of water diverted or withdrawn to exercise the right before the donation or acquisition shall be placed in the trust water rights program and shall revert to the donor or person from whom it was acquired when the trust period ends. For a trust water right acquired by the state and held or authorized for use by the department, the consumptive quantity of the right when it reverts to the donor or person from whom it was acquired is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(10) For water rights donated or leased under subsection (4) or (8) of this section where nonuse of the water right is excused under RCW 90.14.140(1):

(a) The department shall calculate the amount of water eligible to be acquired by looking at the extent to which the right was exercised during the most recent five-year period preceding the date where nonuse of the water right was excused under RCW 90.14.140(1); and

(b) The total of the donated or leased portion of the water right and the portion of the water right remaining with the water right holder shall not exceed the extent to which the water right was exercised during the most recent five-year period preceding the date nonuse of the water right was excused under RCW 90.14.140(1).

(11) For water rights donated or leased under subsection (4) or (8) of this section where nonuse of the water right is exempt under RCW 90.14.140(2) (a) or (d):

(a) The amount of water eligible to be acquired shall be based on historical beneficial use; and

(b) The total of the donated or leased portion of the water right and the portion of the water right the water right holder continues to use shall not exceed the historical beneficial use of that right during the duration of the trust.

NEW SECTION. Sec. 6. A new section is added to chapter 90.42 RCW to read as follows:

Costs incurred by the department associated with water service contracts with federal agencies may be recovered by the department from persons withdrawing water or credits for water associated with water banking purposes as a condition of the exercise of a water right supplied from a federal water project.

NEW SECTION. Sec. 7. A new section is added to chapter 90.03 RCW to read as follows:

For purposes of calculating annual consumptive quantity as defined under RCW 90.03.380(1), if, within the most recent five-year period, the water right has been in the trust water rights program under chapter 90.38 or 90.42 RCW, or the nonuse of the water right has been excused from relinquishment under RCW 90.14.140, the

department shall look to the most recent five-year period of continuous beneficial use preceding the date where the excuse for nonuse under RCW 90.14.140 was established and remained in effect.

NEW SECTION. Sec. 8. A new section is added to chapter 90.42 RCW to read as follows:

The department may adopt rules as necessary to implement this chapter.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5599 Prime Sponsor, Senator McDermott: Approving the entry of Washington into the agreement among the states to elect the president by national popular vote. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member and Alexander.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5705 Prime Sponsor, Committee on Government Operations & Elections: Regarding voting rights in special districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5727 Prime Sponsor, Committee on Government Operations & Elections: Prohibiting the providing of false information to voters. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 2, line 3, after "requirements;" insert "or"

On page 2, line 9, after "this" strike "chapter" and insert "section"

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member and Alexander.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5776 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding student fees, charges, and assessments. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member and Alexander.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5802 Prime Sponsor, Committee on Early Learning & K-12 Education: Changing professional educator standards board provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.410 RCW to read as follows:

The professional educator standards board shall:

(1) Develop and maintain a research base of educator preparation best practices;

(2) Develop and coordinate initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations;

(3) Provide program improvement technical assistance to providers of educator preparation programs;

(4) Assure educator preparation program compliance; and

(5) Prepare and maintain a cohesive educator development policy framework.

Sec. 2. RCW 28A.410.200 and 2005 c 497 s 202 are each amended to read as follows:

(1)(a) The Washington professional educator standards board is created, consisting of ~~((twenty))~~ twelve members to be appointed by the governor to four-year terms and the superintendent of public instruction. On August 1, 2009, the board shall be reduced to twelve members.

(b) ~~((As the four-year terms of the first appointees expire or)) Vacancies ~~((to))~~ on the board ~~((occur for the first time;))~~ shall be filled by appointment or reappointment by the governor ~~((shall appoint or reappoint the members of the board to one-year to four-~~~~

~~year staggered terms. Once the one-year to three-year terms expire, all subsequent terms shall be for)) to terms of four years~~((, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously))~~.~~

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall ~~((annually))~~ biennially appoint the chair of the board ~~((from among the teachers and principals on the board))~~. No board member may serve as chair for more than ~~((two))~~ four consecutive years.

(2) ~~((Seven of the members shall be public school teachers, one shall be a private school teacher, three shall represent higher education educator preparation programs, four shall be school administrators, two shall be educational staff associates, one shall be a classified employee who assists in public school student instruction, one shall be a parent, and one shall be a member of the public.~~

~~((3) Public school teachers appointed to the board must:~~

~~((a) Have at least three years of teaching experience in a Washington public school;~~

~~((b) Be currently certificated and actively employed in a teaching position; and~~

~~((c) Include one teacher currently teaching at the elementary school level, one at the middle school level, one at the high school level, and one vocationally certificated.~~

~~((4) Private school teachers appointed to the board must:~~

~~((a) Have at least three years of teaching experience in a Washington approved private school; and~~

~~((b) Be currently certificated and actively employed in a teaching position in an approved private school.~~

~~((5) Appointees from higher education educator preparation programs must include two representatives from institutions of higher education as defined in RCW 28B.10.016 and one representative from an institution of higher education as defined in RCW 28B.07.020(4).~~

~~((6) School administrators appointed to the board must:~~

~~((a) Have at least three years of administrative experience in a Washington public school district;~~

~~((b) Be currently certificated and actively employed in a school administrator position; and~~

~~((c) Include two public school principals, one Washington approved private school principal, and one superintendent.~~

~~((7) Educational staff associates appointed to the board must:~~

~~((a) Have at least three years of educational staff associate experience in a Washington public school district; and~~

~~((b) Be currently certificated and actively employed in an educational staff associate position.~~

~~((8) Public school classified employees appointed to the board must:~~

~~((a) Have at least three years of experience in assisting in the instruction of students in a Washington public school; and~~

~~((b) Be currently employed in a position that requires the employee to assist in the instruction of students.~~

~~((9) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications~~

~~from other qualified individuals, or from both nominees and applicants.~~

~~(10) All appointments to the board made by the governor shall be subject to confirmation by the senate.~~

~~(11) The governor shall appoint the members of the initial board no later than June 1, 2000.~~

~~(12) In appointing board members, the governor shall consider the diversity of the population of the state.~~

~~(13)) A majority of the members of the board shall have classroom experience. Membership on the board shall include individuals having one or more of the following:~~

~~(a) Experience in one or more of the education roles for which state preparation program approval is required and certificates issued;~~

~~(b) Experience providing or leading a state-approved teacher or educator preparation program;~~

~~(c) Experience providing mentoring and coaching to education professionals or others; and~~

~~(d) Education-related community experience.~~

~~(3) In appointing board members, the governor shall consider the individual's commitment to quality education and the ongoing improvement of instruction, experiences in the public schools, involvement in developing quality teaching preparation and support programs, and vision for the most effective yet practical system of assuring teaching quality. The governor shall also consider the diversity of the population of the state.~~

~~(4) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.~~

~~((14)) (5) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.~~

~~((15) If a vacancy occurs on the board, the governor shall appoint a replacement member from the nominees as specified in subsection (9) of this section to fill the remainder of the unexpired term. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of at least one name submitted by the same caucus that provided the list from which the retiring member was appointed.~~

~~(16)) (6) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.~~

~~(7) Members of the board may create informal advisory groups as needed to inform the board's work.~~

Sec. 3. RCW 28A.410.100 and 2005 c 497 s 207 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. ~~((Any teacher whose certificate to teach has been revoked shall have a right of appeal to the Washington professional educator standards board if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.~~

~~An appeal to the Washington professional educator standards board within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.)~~

Sec. 4. RCW 28A.410.210 and 2008 c 176 s 1 are each amended to read as follows:

The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

(4) Establish policies for approval of nontraditional educator preparation programs;

(5) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010;

~~(7) ((Hear and determine educator certification appeals as provided by RCW 28A.410.100;~~

~~(8)) Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;~~

~~((9)) (8) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;~~

~~((10)) (9) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;~~

~~((11)) (10) Serve as an advisory body to the superintendent of public instruction on issues related to educator recruitment, hiring, mentoring and support, professional growth, retention, educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;~~

~~((12)) (11) Submit, by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210;~~

~~((13)) (12) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain~~

residency certification pursuant to RCW 28A.410.220 through 28A.410.240;

~~((+4))~~ (13) By January 2010, set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar; and

~~((+5))~~ (14) Conduct meetings under the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 5. Section 2 of this act takes effect August 1, 2009."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5839 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the administration of irrigation districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5899 Prime Sponsor, Committee on Ways & Means: Providing a business and occupation tax credit for qualified employment positions. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker and Probst.

Referred to Committee on Finance.

March 26, 2009

SSB 5921 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Creating a clean energy leadership initiative. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington is recognized as a leader in sustainability and climate change and has the foundation to become a leader in the clean energy

technologies, products, and services that will be required throughout the world to provide reliable reduced emission energy. However, to become a leader, Washington will need to develop policies and strategies to develop new clean energy technologies, attract federal and private investments, attract and grow clean energy companies, and create green jobs.

The legislature further finds that positioning Washington to be competitive for federal and private sector clean energy investments will require collaboration between Washington's state agencies, clean energy technology companies, research institutions, national laboratory, and workforce development system to identify our strengths and develop the requisite policies and strategies.

It is the intent of the legislature to create a clean energy leadership initiative that will set the path to leverage Washington's energy infrastructure and make Washington a hub for clean energy technology and a leader in the creation of green jobs and the development, deployment, and export of clean energy technologies and services.

NEW SECTION. Sec. 2. (1) The office of the governor shall create a clean energy leadership initiative in collaboration with a statewide, public-private alliance focused specifically on growing the clean energy technology sector in Washington state. The clean energy leadership initiative is to be supported by public and private resources including, to the extent available, the resources of the energy policy division of the department of community, trade, and economic development and Washington State University's energy program. In carrying out the clean energy leadership initiative, the public-private alliance shall appoint and be guided by a clean energy leadership council.

(2) The clean energy leadership council must develop strategies and recommendations for growing Washington's clean energy sector. The clean energy leadership council consists of not more than fifteen clean energy leaders as follows: Up to ten representatives of companies in the clean energy sector, up to two organizations providing support to clean energy companies, one representative from a public university, one representative from the Pacific Northwest national laboratory, one representative from venture capital firms making investments in clean energy companies, and one representative from professional services firms serving clean energy technology. The clean energy leadership council may appoint such advisory groups as it deems necessary to carry out its work.

(3) The governor shall designate a person, as the single point of accountability, for all energy and climate change initiatives within state agencies. All state agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

(4) The clean energy leadership council shall:

(a) Conduct a strategic analysis to identify the clean energy industry segments where Washington can either provide national leadership or become one of the top ten states in that segment. The council shall engage the highest caliber consultants with detailed knowledge of energy markets and other state's operations to conduct the strategic analysis. The strategic analysis must:

(i) Identify where Washington has a competitive advantage or emerging strength in research, development, or deployment of clean energy solutions;

(ii) Evaluate Washington's competitiveness in its business environment, including regulatory barriers, as it relates to supporting clean energy projects and companies, compared to other states and regions; and

(iii) Evaluate Washington's ability to provide national leadership in reducing carbon emissions, developing and deploying utility-scale

clean energy applications, and creating exportable products and applications;

(b) Develop a set of strategic recommendations, including implementation steps and responsible parties for carrying them out. The strategic recommendations must provide direction for positioning each clean energy segment identified to provide national leadership and must include a delineation of clear, specific outcomes for each segment to achieve. The strategic recommendations must include recommendations on:

(i) Consistent policy frameworks that provide stability to encourage investment through a combination of incentives, regulation, taxation, and use of government purchasing power to build viable markets;

(ii) The steps necessary for increasing Washington's ability to obtain available federal funds;

(iii) The development of public-private partnerships that can help grow each sector, including partnerships to facilitate development and deployment of new technologies at scale;

(iv) Necessary investments in universities;

(v) Management, entrepreneurial, and emerging business needs;

(vi) Joint use facilities, demonstration facilities, and signature research centers that are needed for leadership;

(vii) Market access requirements;

(viii) Infrastructure needs; and

(ix) Capital and financing requirements;

(c) Identify an institutional mechanism to foster effective implementation of its recommendations, including organizational structure, staffing, and funding;

(d) Review investments made by the energy policy division of the department of community, trade, and economic development, Washington State University's energy program, utilities, and other entities to identify ways to leverage, increase the effectiveness of, or redirect those funds to increase the state's competitiveness in clean energy technology;

(e) Provide initial recommendations to the governor and legislature on how to procure and leverage federal stimulus funding as soon as feasible;

(f) Complete its analysis and submit recommendations to the governor and the legislature by December 1, 2009;

(g) Convene a clean energy summit with the governor and legislative leaders within one month of submitting its analysis and recommendations. The summit's purpose is to engage the public and outline the process for implementing the recommendations.

NEW SECTION. Sec. 3. 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.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; DeBolt; Herrera and McCune.

Referred to Committee on General Government Appropriations.

March 26, 2009

ESSB 5967 Prime Sponsor, Committee on Government Operations & Elections: Prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

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

On June 23, 1972, President Richard Nixon signed into law Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act. This landmark legislation provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...." Title IX has expanded opportunities for males as well as females in educational programs and activities, including ensuring access to athletic opportunities for girls and women in educational institutions and to male and female staff to coaching and athletics administrative positions in educational institutions. The dramatic increases in participation rates at both the high school and college levels since Title IX was passed show that when doors are opened to women and girls, they will participate.

Further, ensuring equality in the state of Washington, the legislature passed an amendment to the state Constitution, ratified by the voters in November 1972, providing "Equality of rights and responsibilities under the law shall not be denied or abridged on account of sex." In 1975, Washington continued to be at the forefront of this issue by adopting legislation that established our own statutory version of the federal Title IX law that prohibited "inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state."

Athletic opportunities provide innumerable benefits to participants, including greater academic success, better physical and psychological health, responsible social behaviors, and enhanced interpersonal skills. Athletic scholarships make it possible for some young people to attend college. The Washington state legislature, recognizing the importance of full participation in athletics, has passed numerous bills directed at achieving equity and eliminating discrimination in intercollegiate athletics in the state's institutions of higher education.

Despite advances in educational settings and efforts by some local agencies to expand opportunities in community athletics programs, discrimination still exists that limits these opportunities. It is the intent of the legislature to expand and support equal participation in athletics programs, and provide all sports programs equal access to facilities administered by cities, towns, counties, metropolitan park districts, park and recreation service areas, or park and recreation districts.

Nothing in this act is intended to affect the holding in the Washington state supreme court's ruling in *Darrin v. Gould*, 85 Wn.2d 859, 540 P.2d 882 (1975) and its progeny that held it is not acceptable to discriminate in contact sports on the basis of sex.

NEW SECTION. Sec. 2. (1) No city, town, county, or district may discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults. A third party receiving a lease or permit from a city, town, county, district, or a school district, for a community athletics program also may not discriminate against any

person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

(2) The definitions in this subsection apply throughout this section.

(a) "Community athletics program" means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition and that is in any way operated, conducted, administered, or supported by a city, town, county, district, or school district other than those offered by the school and created solely for the students by the school.

(b) "District" means any metropolitan park district, park and recreation service area, or park and recreation district.

NEW SECTION. Sec. 3. (1) By January 1, 2010, each city, town, county, or district operating a community athletics program or issuing permission to a third party for the operation of such program on its facilities shall adopt a policy that specifically prohibits discrimination against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

(2) It is the responsibility of each city, town, county, or district operating a community athletics program or issuing permission to a third party for the operation of such program on its facilities to publish and disseminate this policy. At a minimum, the nondiscrimination policy should be included in any publication that includes information about the entity's own athletics programs, or about obtaining a permit for operating athletics programs and on the appropriate city, town, county, or district web site.

(3) School districts issuing permission to a third party for the operation of a community athletics program on its facilities shall also follow the provisions of this section but may modify and use existing school district policies and procedures to the extent that is possible. Nothing in this section may be construed to require school districts to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school district facilities.

(4) Every city, town, county, or district covered by this section should also publish the name, office address, and office telephone number of the employee or employees responsible for its efforts to comply with and carry out its responsibilities under this act.

NEW SECTION. Sec. 4. A new section is added to chapter 35.21 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a city or town.

NEW SECTION. Sec. 5. A new section is added to chapter 35.61 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a metropolitan park district.

NEW SECTION. Sec. 6. A new section is added to chapter 35A.21 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a code city.

NEW SECTION. Sec. 7. A new section is added to chapter 36.01 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a county.

NEW SECTION. Sec. 8. A new section is added to chapter 36.68 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a park and recreation service area.

NEW SECTION. Sec. 9. A new section is added to chapter 36.69 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a park and recreation district.

NEW SECTION. Sec. 10. Sections 2 and 3 of this act are each added to chapter 49.60 RCW."

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 6000 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Modifying real estate disclosure requirements regarding homeowners' associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 6036 Prime Sponsor, Committee on Environment, Water & Energy: Concerning water cleanup planning and implementation. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

The department shall amend the state water quality standards to authorize compliance schedules in excess of ten years for discharge permits issued under this chapter that implement allocations contained in a total maximum daily load under certain circumstances. Any such amendment must be submitted to the United States environmental protection agency under the clean water act. Compliance schedules for the permits may exceed ten years if the department determines that:

(1) The permittee is meeting its requirements under the total maximum daily load as soon as possible;

(2) The actions proposed in the compliance schedule are sufficient to achieve water quality standards as soon as possible;

(3) A compliance schedule is appropriate; and

(4) The permittee is not able to meet its waste load allocation solely by controlling and treating its own effluent."

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 6070 Prime Sponsor, Senator Hatfield: Regarding disposal of dredged riverbed materials. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.140.120 and 2005 c 155 s 111 are each amended to read as follows:

(1) The legislature finds and declares that, due to the extraordinary volume of material washed down onto beds of navigable waters and shorelands in the Toutle river, Coweeman river, and portions of the Cowlitz river, the dredge spoils placed upon adjacent publicly and privately owned property in the areas, if further disposed, will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge.

(2) All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river, and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent public and private lands not currently being used for the resale of those materials during the years 1980 through December 31, ~~((1995))~~ 2017, as a result of dredging of these rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of the lands without the necessity of any charge by the department and free and clear of any interest of the department ~~((of the state of Washington))~~. However, prior to selling or otherwise using any of the materials for commercial purposes, written notification must be provided by the owners of the lands to the department outlining the type and amount of material that is planned to be sold or otherwise used.

(3) The department shall report to the appropriate committees of the legislature each biennium through the end of the 2015-2017 biennium a summary of any notifications received under subsection (2) of this section. The report must include a determination of whether any revenue that would otherwise accrue to the state has been diverted by the provisions of this section and a summation of the diverted amount for the previous biennium. The initial report is due by January 2, 2012, with subsequent reports due by January 2nd of each even-numbered year."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Van De Wege.

Referred to Committee on General Government Appropriations.

March 26, 2009

SB 6104 Prime Sponsor, Senator Prentice: Addressing state agency hours of operation. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 1, line 10, after "~~closed~~)." insert "Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice."

On page 2, line 8, after "time." insert "Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice."

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., March 30, 2009, the 78th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

