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## FORTY SEVENTH DAY

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House Chamber, Olympia, Friday, February 26, 2010

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 Joseph Rothlin and Timothy Kranick. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Norma Smith, 10th District.

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

### RESOLUTION

**HOUSE RESOLUTION NO. 4682, by Representatives Quall, Morris, Jacks, Nelson, Armstrong, Williams, Kenney, Chase, Roberts, Sullivan, Upthegrove, Linville, Orcutt, Carlyle, Takko, Haler, Probst, McCoy, Maxwell, Morrell, and Johnson**

WHEREAS, Mr. Wolf Bauer has been a pioneer of the Northwest and a leader in outdoor education and environmental conservation since 1929; and

WHEREAS, In March of 1930, Mr. Bauer won the Mountaineers first slalom race and served as a trailbreaker for the Mountaineers first patrol race; and

WHEREAS, In the summer of 1935, Mr. Bauer and Mr. Jack Hossack made the first ascent of the Ptarmigan Ridge on the north face of Mt. Rainier, reaching the summit in two days; and

WHEREAS, Mr. Bauer's designs and innovations led to the development of the modern fiberglass kayak, as well as the sport of kayaking; and

WHEREAS, In 1948, Mr. Bauer created the Washington Foldboat Club, which is currently titled the Washington Kayak Club; and

WHEREAS, A group led by Mr. Bauer made the first descent of Boulder Drop on the Skykomish River near Index, Washington; and

WHEREAS, In 1949, Mr. Bauer created the Mountain Rescue and Safety Council, which is presently titled the Mountain Rescue Council, and served as the Council's chairman for its first six years; and

WHEREAS, Mr. Bauer's dedication to the preservation of the Green River Gorge led to appropriations for purchase of surrounding lands from individuals, railroads, and timber companies; and

WHEREAS, Mr. Bauer was a founding member of the Washington Environmental Council in 1969; and

WHEREAS, In 1969, Mr. Bauer drafted the 'Natural Shorelines Act', which was incorporated into the Shoreline Management Act of 1971; and

WHEREAS, Mr. Bauer still hikes the trails of Washington Park in Anacortes; and

WHEREAS, Mr. Bauer celebrated his 98th birthday on February 24, 2010;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize Mr. Wolf Bauer for his dedication to outdoor education and safety, as well as his

steadfast commitment to the preservation of Washington rivers and shorelines; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Wolf Bauer.

Representative Quall moved adoption of House Resolution No. 4682.

Representatives Quall and Armstrong spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4682 was adopted.

### SPEAKERS' PRIVILEGE

The Speaker (Representative Morris presiding) introduced Wolf Bauer, and asked the chamber to acknowledge him.

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

### SECOND READING

**HOUSE BILL NO. 2935, by Representatives Van De Wege, Sells, Blake, Takko, Darneille, Walsh, Hinkle and Kessler**

**Regarding environmental and land use hearings boards and making more uniform the timelines for filing appeals with those boards.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2935 was substituted for House Bill No. 2935 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2935 was read the second time.

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

Representatives Van De Wege, McCune and Darneille spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2935.

### MOTIONS

On motion of Representative Santos, Representative Hurst was excused. On motion of Representative Kristiansen, Representative DeBolt was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2935, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Ericksen, Klippert, Roach, Schmick, Shea and Taylor.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE HOUSE BILL NO. 2935, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2954, by Representative Cody

#### Concerning license fees for nursing homes, boarding homes, and adult family homes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2954 was substituted for House Bill No. 2954 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2954 was read the second time.

Representative Cody moved the adoption of amendment (1248).

On page 1, line 19, after "budget act." insert "The license fees established by the legislature shall not exceed the department's annual licensing and regulatory activity costs."

On page 3, line 16, after "budget act." insert "The license fees established by the legislature shall not exceed the department's annual licensing and regulatory activity costs."

On page 6, line 31, after "budget act." insert "The license fees established by the legislature shall not exceed the department's annual licensing and regulatory activity costs."

On page 7, after line 16, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A RCW to read as follows:

(1) It is the intent of the legislature that the costs of each long term care facility licensing and regulatory program be fully borne by the facilities. With the information provided in the report under subsection (2) of this section, the legislature intends to identify the licensing fees for each facility that would be sufficient to defray the costs of administering the licensing and regulatory program for those facilities.

(2) Beginning July 15, 2010, and annually thereafter, the department shall provide a licensing fee report to the legislature on nursing homes, boarding homes, and adult family homes. The report shall include:

- (a) Information on initial licensing including but not limited to:
  - (i) The number of initial facility inspections; and
  - (ii) The number of initial licensing follow-up inspections by facility type;
- (b) Information on licensing renewals including but not limited to:
  - (i) The number of licensing renewal full inspections;
  - (ii) The number of follow-up inspections; and
  - (iii) The average length of time between renewal inspections by facility type;
- (c) Information on complaint investigations including but not limited to:
  - (i) The total number of complaint investigations by facility type;
  - (ii) The number of complaint investigations by priority and facility type; and
  - (iii) The percent of complaints per bed by facility type; and
- (d) Information on licensing and regulatory costs for the previous fiscal year including but not limited to:
  - (i) The total costs for licensing and regulatory activities by facility type;
  - (ii) The percentage of total state operating costs for licensing and regulatory activities that are covered through licensing fees; and
  - (iii) The estimated fee amount that would be needed in order to cover the total state costs of licensing and regulatory activities, by facility type."

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

Amendment (1248) was adopted.

The bill was ordered engrossed.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2954.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2954, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Erickson, Fagan, Flannigan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2954, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2969, by Representative Hudgins**

#### **Promoting efficiencies in the services provided by the office of the public printer.**

The bill was read the second time.

Representative Hudgins moved the adoption of amendment (1250).

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the current state printing enterprise approach should be reviewed and modified to accommodate new technology, changing industry trends, and agency practices of distributing more information electronically rather than using paper documents. The legislature intends to facilitate the public printer's efforts to function more efficiently through the changes, transfer of duties, and study in this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The department shall broker print management contracts for state agencies that are required to utilize print management contracts under this section.

(2) The department is authorized to broker print management contracts for other state agencies that choose to utilize these services.

(3) Except as provided under subsection (6) of this section, all state agencies with total annual average full-time equivalent staff that exceeds one thousand as determined by the office of financial management shall utilize print management services brokered by the department, as follows:

(a) Any agency with a copier and multifunctional device contract that is set to expire on or before December 31, 2010, may opt to:

- (i) Renew the copier and multifunctional device contract; or
- (ii) Enter a print management contract;

(b) Any agency with a copier and multifunctional device contract that is set to expire on or after January 1, 2011, shall begin planning for the transition to a print management contract six months prior to the expiration date of the contract. Upon expiration of the copier and multifunctional device contract, the agency shall utilize a print management contract; and

(c) Any agency with a copier and multifunctional device contract that is terminated on or after January 1, 2011, shall enter a print management contract.

(4) Until December 31, 2016, for each agency transitioning from a copier and multifunctional device contract to a print management contract, the print management contract should result in savings in comparison with the prior copier and multifunctional device contract.

(5) If an agency has more full-time equivalent employees than it had when it entered its most recently completed print management contract, the cost of a new print management contract may exceed the cost of the most recently completed print management contract.

(6) The director of financial management may exempt a state agency, or a program within a state agency, from the requirements of this section if the director deems it unfeasible or the department and agency could not reasonably reach an agreement regarding print management.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The department shall consult with the office of financial management and state agencies to more efficiently manage the use of envelopes by standardizing them to the extent feasible given the business needs of state agencies.

(2) All state agencies with total annual average full-time equivalent staff that exceeds one thousand as determined by the office of financial management shall cooperate with the department in efforts to standardize envelopes under subsection (1) of this section. In the event that an agency is updating a mailing, the agency shall transition to an envelope recommended by the department, unless the office of financial management considers the change unfeasible.

(3) State agencies with one thousand total annual average full-time equivalent staff or less, as determined by the office of financial management, are encouraged to cooperate with the department to standardize envelopes under this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.105 RCW to read as follows:

For every printing job and binding job ordered by a state agency, the department shall advise the agency on how to choose more economic and efficient options to reduce costs.

**NEW SECTION. Sec. 5.** The department of information services shall report to the legislature by December 1, 2010, on:

(1) Progress in implementing section 2 of this act and a detailed analysis of savings to date and potential future savings given continued implementation efforts;

(2) Progress in standardizing envelopes under section 3 of this act, especially the reduction in the types of envelopes used and a detailed analysis of savings to date and potential future savings as efforts to standardize envelopes continue to be implemented; and

(3) An updated strategic plan for the duties and functions performed by the public printer prior to July 1, 2010. The plan must describe changes to the business model to make operations and services more enterprise focused within the parameters of the public printer's mission prior to July 1, 2010, and describe pricing practices.

**Sec. 6.** RCW 43.78.080 and 1972 ex.s. c 1 s 1 are each amended to read as follows:

All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the (~~Porte Publishing Company's~~) Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the (~~public printer~~) department.

The public printing shall be divided into the following classes:

**FIRST CLASS.** The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

**SECOND CLASS.** The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed in such form as

the senate and house of representatives and the various state officers, commissions, boards, and institutions shall respectively provide.

**THIRD CLASS.** The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

**FOURTH CLASS.** The fourth class shall consist of the session laws, and shall be printed and bound in such form as the statute law committee shall provide.

**FIFTH CLASS.** The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three, and four.

**Sec. 7.** RCW 43.78.030 and 1994 c 82 s 1 are each amended to read as follows:

The ~~((public printer))~~ department shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities. This section shall not apply to the printing of the supreme court and the court of appeals reports, to the printing of bond certificates or bond offering disclosure documents, to the printing of educational publications of the state historical societies, or to any printing done or contracted for by institutions of higher education: **PROVIDED**, That institutions of higher education, in consultation with the ~~((public printer))~~ department, develop vendor selection procedures comparable to those used by the ~~((public printer))~~ department for contracted printing jobs. Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer. Any printing and binding of whatever description as may be needed by any institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of the agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

Beginning on July 1, 1989, and on July 1<sup>st</sup> of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars.

**Sec. 8.** RCW 43.78.070 and 2009 c 549 s 5148 are each amended to read as follows:

The ~~((public printer))~~ department shall use the state printing plant upon the following conditions~~((to wit))~~:

(1) ~~((He or she))~~ The department shall do the public printing, and charge ~~((therefor the))~~ fees as provided by law. ~~((He or she))~~ The department may print the Washington Reports for the publishers ~~((thereof))~~ under a contract ~~((approved in writing by the governor))~~.

(2) The ~~((gross income of the public printer shall be deposited in an account designated))~~ director of the department of information services shall transfer any residual funds remaining in the "state printing plant revolving fund" ((in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

~~— First, in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: PROVIDED, That no machinery shall be purchased except on written approval of the governor;~~

~~— Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;~~

~~— Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;~~

~~— Fourth, in remitting the balance to the state treasurer for the general fund: PROVIDED, That a reasonable sum to be determined by the governor, the public printer, and the director of financial management shall be retained in the fund for working capital for the public printer) to the public printing revolving account established in section 9 of this act.~~

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.105 RCW to read as follows:

The public printing revolving account is created in the custody of the state treasurer. All receipts from public printing must be deposited in the account. Expenditures from the account may be used only for administrative and operating purposes related to public printing. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 10.** RCW 43.78.090 and 1965 c 8 s 43.78.090 are each amended to read as follows:

Whenever required by law or by the legislature or by any state officer, board, commission, or institution the ~~((public printer))~~ department shall keep the type used in printing any matter forming a part of the first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter.

**Sec. 11.** RCW 43.78.100 and 1993 c 379 s 106 are each amended to read as follows:

The ~~((public printer))~~ department shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. This section does not apply to institutions of higher education.

**Sec. 12.** RCW 43.78.105 and 1993 c 379 s 105 are each amended to read as follows:

The ~~((public printer))~~ department may use the state printing plant for the purposes of printing or furnishing materials under RCW 43.78.100 (as recodified by this act) if an interlocal agreement under chapter 39.34 RCW has been executed between an institution of higher education and the ~~((public printer))~~ department.

**Sec. 13.** RCW 43.78.110 and 2009 c 486 s 12 are each amended to read as follows:

(1) Whenever in the judgment of the ~~((public printer))~~ department certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, the ~~((public printer))~~ department may obtain such work or supplies from such private sources. The solicitation for the contract opportunity must be posted on the state's common vendor registration and bid notification system. The ~~((public printer))~~ department shall develop procurement policies and procedures, such as unbundled contracting and subcontracting,

that encourage and facilitate the purchase of such services or supplies from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments.

(2) In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost (~~(thereof)~~) to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

(3) The definitions in this subsection apply throughout this section.

(a) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(b) "Small business" has the definition in RCW 39.29.006.

**Sec. 14.** RCW 43.78.170 and 2009 c 356 s 5 are each amended to read as follows:

Except as provided in RCW 43.19A.022(3), the ~~(public printer) department~~ shall use one hundred percent recycled copy and printing paper for all jobs printed on white copy and printing paper.

**Sec. 15.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and 2009 c 486 s 14 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly (~~(required requires)~~) requires otherwise.

(1) "Administrator" means the community technology opportunity program administrator designated by the department.

(2) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network.

(3) "Board" means the information services board.

(4) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies.

(5) "Committee" means the state interoperability executive committee.

(6) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(7) "Community technology programs" means programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, digital media literacy, development of locally relevant content, and delivery of vital services through technology.

(8) "Copier and multifunctional device contract" means a contract to lease or purchase copiers and/or printing devices to meet office printing needs, brokered by the department of general administration, under RCW 43.19.190 and 43.19.1901.

(9) "Council" means the advisory council on digital inclusion created in RCW 43.105.400.

~~((9))~~ (10) "Department" means the department of information services.

~~((10))~~ (11) "Director" means the director of the department.

~~((11))~~ (12) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

~~((12))~~ (13) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless

communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

~~((13))~~ (14) "High-speed internet" means broadband.

~~((14))~~ (15) "Information" includes, but is not limited to, data, text, voice, and video.

~~((15))~~ (16) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions.

~~((16))~~ (17) "Information services" means data processing, telecommunications, office automation, and computerized information systems.

~~((17))~~ (18) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

~~((18))~~ (19) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800.

~~((19))~~ (20) "K-20 network" means the network established in RCW 43.105.820.

~~((20))~~ (21) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810.

~~((21))~~ (22) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

~~((22))~~ (23) "Office printers" means any device that allows an individual user to print from a computer through a network connection or independent from a network.

(24) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

~~((23))~~ (25) "Print management contract" means any contract or agreement with a vendor for the provision of printer services. The purpose of this type of contract is to reduce the costs of printing documents and to increase efficiency. Such a contract must include, but not be limited to:

(a) Agreement that the agency:

(i) Is responsible to pay a monthly fee associated with an agreed upon number of copies;

(ii) Provides all paper to supply its printer services needs;

(iii) Pays a monthly fee to the vendor for an agreed upon number of copies; and

(iv) Is not responsible for any payment beyond the monthly fee;

(b) Agreement that the vendor:

(i) Is responsible for all services and supplies associated with office printing, other than paper, including, but not limited to:

(A) Providing all related devices, hardware, and software, except in cases where the contract specifies otherwise;

(B) Installation;

(C) Maintenance;

(D) Removal; and

(E) Replacement; and

(ii) May not assess any additional fee beyond the agreed upon monthly fee.

(26) "Printer services" means services that provide office printers and management of printer devices, supplies, consumables, repair services, and support within an enterprise.

(27) "Proprietary software" means that software offered for sale or license.

~~((24))~~ (28) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant,

security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing.

~~((25))~~ (29) "Small business" has the definition in RCW 39.29.006.

~~((26))~~ (30) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means.

~~((27))~~ (31) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of commerce under chapter 43.330 RCW.

**Sec. 16.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures governing the acquisition and disposition of equipment, proprietary software and purchased services, licensing of the radio spectrum by or on behalf of state agencies, ~~((and))~~ confidentiality of computerized data, and standards for printer services and office printers;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200, except that the board, the department, and state agencies, as delegated, must post notices of technology procurement bids on the state's common vendor registration and bid notification system. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

(i) To review and approve that portion of the department's budget requests that provides for support to the board; and

(j) To develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments.

(2) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

**Sec. 17.** RCW 1.08.039 and 1955 c 235 s 8 are each amended to read as follows:

The committee may enter into contracts or otherwise arrange for the publication and/or distribution, provided for in RCW 1.08.038, with or without calling for bids, by the ~~((public printer))~~ department of information services or by private printer, upon specifications formulated under the authority of RCW 1.08.037, and upon such basis as the committee deems to be most expeditious and economical. Any such contract may be upon such terms as the committee deems to be most advantageous to the state and to potential purchasers of such publications. The committee shall fix terms and prices for such publications.

**Sec. 18.** RCW 15.24.085 and 2002 c 313 s 121 are each amended to read as follows:

The restrictive provisions ~~((of chapter 43.78))~~ relating to public printing in chapter 43.105 RCW shall not apply to promotional printing and literature for the Washington apple commission, the Washington state fruit commission, or the Washington state dairy products commission.

**Sec. 19.** RCW 15.62.190 and 1989 c 5 s 19 are each amended to read as follows:

The restrictive provisions ~~((of chapter 43.78))~~ relating to public printing in chapter 43.105 RCW shall not apply to promotional

printing and literature for the Washington state honey bee commission.

**Sec. 20.** RCW 16.67.170 and 1969 c 133 s 16 are each amended to read as follows:

The restrictive provisions (~~of chapter 43.78 RCW, as now or hereafter amended,~~) relating to public printing in chapter 43.105 RCW shall not apply to promotional printing and literature for the commission.

**Sec. 21.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be made available online and which shall be sold at approximate actual cost of publication and distribution per volume to public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be (~~transmitted to the public printer who shall credit the state superintendent's account within~~) deposited in the state printing plant revolving fund (by a like amount) and credited to the state superintendent's account within the fund;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district

superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

**Sec. 22.** RCW 28B.10.029 and 2004 c 167 s 10 are each amended to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637. The community and technical colleges shall comply with RCW 43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW 43.41.310, 43.41.290, and 43.41.350. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration. Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education

and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(5) An institution of higher education may exercise independently those powers otherwise granted to the ~~((public printer))~~ department of information services in chapter ~~((43.78))~~ 43.105 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19 and 43.105 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the ~~((public printer))~~ department of information services. Thereafter the ~~((public printer))~~ department of information services shall not be required to provide those services for that institution.

**Sec. 23.** RCW 40.04.030 and 1995 c 24 s 1 are each amended to read as follows:

The ~~((public printer))~~ department of information services shall deliver to the statute law committee all bound volumes of the session laws. The ~~((public printer))~~ department of information services shall deliver the house and senate journals as they are published to the chief clerk of the house of representatives and the secretary of the senate, as appropriate. The publisher of the supreme court reports and the court of appeals reports of the state of Washington shall deliver the copies that are purchased by the supreme court for the use of the state to the state law librarian.

**Sec. 24.** RCW 40.06.030 and 2006 c 199 s 5 are each amended to read as follows:

(1) Every state agency shall promptly submit to the state library copies of published information that are state publications.

(a) For state publications available only in print format, each state agency shall deposit, at a minimum, two copies of each of its publications with the state library. For the purposes of broad public access, state agencies may deposit additional copies with the state library for distribution to additional depository libraries.

(b) For state publications available only in electronic format, each state agency shall deposit one copy of each of its publications with the state library.

(c) For state publications available in both print and electronic format, each state agency shall deposit two print copies and one electronic copy of the publication with the state library.

(2) Annually, each state agency shall provide the state library with a listing of all its publications made available to state government and the public during the preceding year, including those published in electronic form. The secretary of state shall, by rule, establish the annual date by which state agencies must provide the list of its publications to the state library.

(3) In the interest of economy and efficiency, the state librarian may specifically or by general rule exempt a given state publication or class of publications from the requirements of this section in full or in part.

(4) Upon consent of the issuing state agency, such state publications as are printed by the ~~((public printer))~~ department of information services shall be delivered directly to the center.

**Sec. 25.** RCW 40.07.050 and 1986 c 158 s 5 are each amended to read as follows:

Neither the ~~((public printer))~~ department of information services nor any state agency shall print or authorize for printing any state publication that has been determined by the director to be inconsistent with RCW 40.07.030 except to the extent this requirement may conflict with the laws of the United States or any rules or regulations lawfully promulgated under those laws. A copy of any state publication printed without the approval of the director under the exceptions authorized in this section shall be filed with the director with a letter of transmittal citing the federal statute, rule, or regulation requiring the publication.

**Sec. 26.** RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) ~~((The public printer or to any employees of or positions in the state printing plant))~~ Employees in positions in the department of information services who are engaged in performing the powers, functions, and duties transferred from the public printer or the state printing plant to the department of information services pursuant to section 30 of this act;

(n) Officers and employees of the Washington state fruit commission;



(o) Officers and employees of the Washington apple commission;  
 (p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of the Washington grain commission;

(t) Officers and employees of any commission formed under chapter 15.66 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) All employees of the marine employees' commission;

(z) Staff employed by the department of ~~((community, trade, and economic development))~~ commerce to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045(2)(m);

(aa) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions

pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) and (y) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position exempt from classification under this chapter.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

**Sec. 27.** RCW 43.08.061 and 1993 c 38 s 1 are each amended to read as follows:

The ~~((public printer))~~ department of information services shall print all state treasury warrants for distribution as directed by the state treasurer. All warrants redeemed by the state treasurer shall be retained for a period of one year, following their redemption, after which they may be destroyed without regard to the requirements imposed for their destruction by chapter 40.14 RCW.

**NEW SECTION. Sec. 28.** The following acts or parts of acts, as now or hereafter amended, are each repealed:

(1) RCW 43.78.010 (Appointment of public printer) and 2009 c 549 s 5146, 1981 c 338 s 6, & 1965 c 8 s 43.78.010;

(2) RCW 43.78.020 (Bond) and 2009 c 549 s 5147 & 1965 c 8 s 43.78.020;

(3) RCW 43.78.040 (Requisitions) and 1965 c 8 s 43.78.040;

(4) RCW 43.78.050 (Itemized statement of charges) and 1965 c 8 s 43.78.050; and

(5) RCW 43.78.080 (Printing specifications) and 1972 ex.s. c 1 s 1, 1969 c 6 s 7, & 1965 c 8 s 43.78.080.

**NEW SECTION. Sec. 29.** The following sections are each recodified as sections in chapter 43.105 RCW:

RCW 43.78.030  
 RCW 43.78.070  
 RCW 43.78.090  
 RCW 43.78.100  
 RCW 43.78.105  
 RCW 43.78.110  
 RCW 43.78.130  
 RCW 43.78.140  
 RCW 43.78.150  
 RCW 43.78.160  
 RCW 43.78.170

**NEW SECTION. Sec. 30.** (1) The powers, duties, and functions of the public printer are hereby transferred to the department of information services. All references to the public printer in the Revised Code of Washington shall be construed to mean the director or the department of information services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the public printer shall be delivered to the custody of the department of information services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the public printer shall be made available to the department of information services. All funds, credits, or other assets held by the public printer shall be assigned to the department of information services.

(b) Any appropriations made to the public printer shall, on the effective date of this section, be transferred and credited to the department of information services.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the public printer shall be continued and acted upon by the department of information services. All existing contracts and obligations shall remain in full force and shall be performed by the department of information services.

(4) The transfer of the powers, duties, functions, and personnel of the public printer shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the public printer engaged in performing the powers, functions, and duties transferred to the department of information services, are transferred to the department of information services.

(a) The commercial agreement between the graphic communications conference of the international brotherhood of teamsters, local 767M and the department of printing-bindery that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration of the commercial agreement, chapter 41.56 RCW shall apply to the department of information services with respect to employees in positions formerly covered under the expired commercial agreement.

(b) The commercial agreement between the graphic communications conference of the international brotherhood of teamsters, local 767M and the department of printing-litho that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration of the commercial agreement, chapter

41.56 RCW shall apply to the department of information services with respect to the employees in positions formerly covered under the expired commercial agreement.

(c) The typographical contract between the communications workers of America, the newspaper guild, local 37082, and the department of printing-typographical that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration of the typographical contract, chapter 41.56 RCW shall apply to the department of information services with respect to the employees in positions formerly covered under the expired typographical contract.

**NEW SECTION. Sec. 31.** A new section is added to chapter 41.56 RCW to read as follows:

(1) The legislature recognizes that, over more than fifty years, the public printer and representatives of its printing craft employees have achieved harmonious and cooperative labor relations. In transferring the powers, duties, and functions of the public printer to the department of information services, the legislature intends to maintain the agreements, processes, and relationships critical to continuing such relations.

(2) In addition to the entities listed in RCW 41.56.020, this chapter applies to the department of information services with respect to the printing craft employees in positions in the department who are engaged in performing the powers, functions, and duties transferred from the public printer or the state printing plant to the department pursuant to section 30 of this act.

(3) This chapter governs the collective bargaining relationship between the department of information services and the printing craft employees, except as follows:

(a) The department shall be represented by the governor or governor's designee in collective bargaining.

(b) A bargaining unit of printing craft employees covered by this chapter existing on the effective date of this section shall be considered an appropriate unit.

(c) The exclusive bargaining representatives recognized as representing the bargaining units of printing craft employees covered by this chapter existing on the effective date of this section shall continue as the exclusive bargaining representative without the necessity of an election.

(4) For the purposes of this section, "printing craft employees" means employees in positions in the department who are engaged in performing the powers, functions, and duties transferred from the public printer or the state printing plant to the department pursuant to section 30 of this act.

**NEW SECTION. Sec. 32.** Sections 1 through 25 and 27 through 31 of this act take effect July 1, 2010.

**NEW SECTION. Sec. 33.** Section 26 of this act takes effect July 1, 2011."

Correct the title.

Representative Armstrong moved the adoption of amendment (1251) to amendment (1250).

0)

On page 6, after line 25 of the amendment, insert the following:

"(3) The department may use the state printing plant only to provide public printing work or supplies to state agencies, institutions of higher education, and other institutions of state government."

On page 7, line 25 of the amendment, after "Whenever" strike "in the judgment of the ((public printer)) department" and insert "((in the judgment of the public printer))"

On page 7, at the beginning of line 29 of the amendment, strike "department" and insert "any agency"

On page 8, beginning on line 3 of the amendment, after "(2)" strike all material through "(3)" on line 10, and insert "((In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added

to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

(3)))"

On page 8, after line 14 of the amendment, insert the following:

"**Sec. 14.** RCW 43.78.130 and 1999 c 365 s 1 are each amended to read as follows:

All printing, binding, and stationery work done for any state agency(~~(, county, city, town, port district, or school district))~~ or institution of higher education in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: PROVIDED, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state."

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

On page 12, line 9 of the amendment, after "That," insert "except for office printers and printer services as defined in RCW 43.105.020."

Representatives Armstrong, Ericksen, Armstrong (again) and Alexander spoke in favor of the adoption of the amendment to the amendment.

Representatives Hudgins and Hunt spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1251) to amendment (1250) to House Bill No. 2969.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (1251) to amendment (1250) to House Bill No. 2969 and the amendment was not adopted by the following vote: Yeas, 45; Nays, 51; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Ericks, Ericksen, Fagan, Flannigan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias, Linville, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

Amendment (1251) to amendment (1250) was not adopted.

Representative Hudgins spoke in favor of the adoption of amendment (1250).

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 56 - YEAS; 40 - NAYS.

Amendment (1250) was adopted.

The bill was ordered engrossed.

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

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

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2969.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2969, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Carlyle, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives DeBolt and Hurst.

ENGROSSED HOUSE BILL NO. 2969, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2941, by Representatives Clibborn, O'Brien, Maxwell, Lias, Eddy, Springer, Hunter and Goodman**

#### **Authorizing the use of express toll lanes in the Interstate 405 corridor.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2941 was substituted for House Bill No. 2941 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2941 was read the second time.

Representative Rodne moved the adoption of amendment (1215).

On page 3, line 12, after "RCW 47.56.820" insert "and article II, section 40 of the state Constitution"

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

Representative Liias spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1215) to Substitute House Bill No. 2941.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1215) to Substitute House Bill No. 2941 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 54; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Ericks, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

Amendment (1215) was not adopted.

Representative Roach moved the adoption of amendment (1218).

On page 3, beginning on line 22, after "toll-paying" strike ", high-occupant vehicle users with two passengers and"

On page 3, line 31, after "lanes" insert "that only charge tolls to single-occupant vehicle users"

Representatives Roach, Ericksen and Anderson spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

Amendment (1218) was not adopted.

Representative Rodne moved the adoption of amendment (1216).

On page 3, line 33, after "end" insert ", but not in any current general purpose lane or any lane constructed with funds from the transportation 2003 account or transportation partnership account"

Representatives Rodne, Roach and Ericksen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1216) to Substitute House Bill No. 2941.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1216) to Substitute House Bill No. 2941 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

Amendment (1216) was not adopted.

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

Representatives Clibborn and Liias spoke in favor of the passage of the bill.

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

### POINT OF ORDER

Representative Hudgins: "A few mentions of social engineering seems to me to go to the motives of the bill in front of us and not to the actual policy."

### SPEAKERS' RULING

Mr. Speaker (Representative Morris presiding): "The Speaker believes that the debate topic is in a gray area about motives versus the outcome of the impact of the bill. Although the Speaker does believe that the term social engineering may not be the one that engenders the most debate and would ask the good gentleman from the 5<sup>th</sup> to maybe choose some words that engender debate on the floor and not detract from it, please proceed."

Representatives Moeller and Maxwell spoke in favor of the passage of the bill.

Representatives Orcutt, Roach (again) and Ericksen spoke against the passage of the bill.

Representative Carlyle spoke in favor of the passage of the bill.

**POINT OF ORDER**

Representative Anderson: "I believe the gentlemen's remarks are not germane to the bill before us."

**SPEAKERS' RULING**

Mr. Speaker (Representative Morris presiding): "Your point is well taken but the Speaker was in error by letting Representative Ericksen get off in talking about issues up in Whatcom county that are not covered by the topic of the bill. Representative Carlyle, the Speaker would ask you to keep your remarks germane to the topic of 405."

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2941.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2941, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Ericksen, Fagan, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE HOUSE BILL NO. 2941, having received the necessary constitutional majority, was declared passed.

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

**REPORTS OF STANDING COMMITTEES**

February 24, 2010

HB 2836 Prime Sponsor, Representative Dunshee: Concerning the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Blake; Chase; Hope; Jacks; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Anderson; McCune and Smith.

February 24, 2010

SB 6209 Prime Sponsor, Senator Haugen: Allowing moneys paid to county road funds to be used for park and ride lots. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Moeller; Nealey; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

**SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

February 25, 2010

ESSB 5529 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding architects. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.08.310 and 1985 c 37 s 2 are each amended to read as follows:

(1) It is unlawful for any person to practice or offer to practice architecture in this state, (~~architecture~~) or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including the word "architect," "architecture," "architectural," or language tending to imply that he or she is an architect, unless the person is registered or authorized to practice in the state of Washington under this chapter.

(2) An architect or architectural firm registered in any other jurisdiction recognized by the board may offer to practice architecture in this state if:

(a) It is clearly and prominently stated in such an offer that the architect or firm is not registered to practice architecture in the state of Washington; and

(b) Prior to practicing architecture or signing a contract to provide architectural services, the architect or firm must be registered to practice architecture in this state.

(3) A person who has an accredited architectural degree may use the title "intern architect" when enrolled in a structured intern program recognized by the board and working under the direct supervision of an architect.

(4) The provisions of this section shall not affect the use of the words "architect," "architecture," or "architectural" where a person does not practice or offer to practice architecture.

Sec. 2. RCW 18.08.320 and 1985 c 37 s 3 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) "Accredited architectural degree" means a professional degree from an institution of higher education accredited by the national architectural accreditation board or an equivalent degree in architecture as determined by the board.

(2) "Administration of the construction contract" means the periodic observation of materials and work to observe the general compliance with the construction contract documents, and does not include responsibility for supervising construction methods and processes, site conditions, equipment operations, personnel, or safety on the work site.

~~((2))~~ (3) "Architect" means an individual who is registered under this chapter to practice architecture.

~~((3))~~ (4) "Board" means the state board ~~((of registration))~~ for architects.

~~((4))~~ (5) "Certificate of authorization" means a certificate issued by the director to a ~~((corporation or partnership))~~ business entity that authorizes the entity to practice architecture.

~~((5))~~ (6) "Certificate of registration" means the certificate issued by the director to newly registered architects.

~~((6))~~ (7) "Department" means the department of licensing.

~~((7))~~ (8) "Director" means the director of licensing.

~~((8))~~ (9) "Engineer" means an individual who is registered as an engineer under chapter 18.43 RCW.

~~((9))~~ (10) "Person" means any individual, partnership, professional service corporation, corporation, joint stock association, joint venture, or any other entity authorized to do business in the state.

~~((10))~~ (11) "Practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction of alterations or additions to the structures, including but not specifically limited to pre-design services, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

~~((11))~~ (12) "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

(13) "Registered" means holding a currently valid certificate of registration or certificate of authorization issued by the director authorizing the practice of architecture.

~~((12))~~ (14) "Structure" means any construction consisting of load-bearing members such as the foundation, roof, floors, walls, columns, girders, and beams or a combination of any number of these parts, with or without other parts or appurtenances.

(15) "Review" means a process of examination and evaluation, of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

(16) "Registered professional design firm" means a business entity registered in Washington to offer and provide architectural services under RCW 18.08.420.

(17) "Managers" means the members of a limited liability company in which management of its business is vested in the members, and the managers of a limited liability company in which management of its business is vested in one or more managers.

**Sec. 3.** RCW 18.08.330 and 1985 c 37 s 4 are each amended to read as follows:

There is ~~((hereby))~~ created a state board ~~((of registration))~~ for architects consisting of seven members who shall be appointed by the governor. Six members shall be registered architects who are

residents of the state and have at least eight years' experience in the practice of architecture as registered architects in responsible charge of architectural work or responsible charge of architectural teaching. One member shall be a public member, who is not and has never been a registered architect and who does not employ and is not employed by or professionally or financially associated with an architect.

The terms of each newly appointed member shall be six years. ~~((The members of the board of registration for architects serving on July 28, 1985, shall serve out the remainders of their existing five-year terms. The term of the public member shall coincide with the term of an architect.))~~

Every member of the board shall receive a certificate of appointment from the governor. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of six years or until the next successor has been appointed.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

The board shall elect a ~~((chairman))~~ chair, a ~~((vice chairman))~~ vice-chair, and a secretary. The secretary may delegate his or her authority to the executive ~~((secretary))~~ director.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 4.** RCW 18.08.340 and 2002 c 86 s 201 are each amended to read as follows:

(1) The board may adopt such rules under chapter 34.05 RCW as are necessary for the proper performance of its duties under this chapter.

(2) The director shall employ an executive ~~((secretary))~~ director subject to approval by the board.

(3) The board shall evaluate the effect of changes to RCW 18.08.410 made by this act on the provision of services to project owners. The report shall be provided to the legislature by December 31, 2011, and shall be prepared with the participation of project owner, contractor, and building official representatives.

**Sec. 5.** RCW 18.08.350 and 1997 c 169 s 1 are each amended to read as follows:

(1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess ~~((either))~~ one of the following qualifications:

(a) Have an accredited architectural degree and at least three years' practical architectural work experience ~~((and have completed the requirements of))~~ in a structured intern training program approved by the board; or

(b) Have ~~((eight years' practical architectural work experience, which may include designing buildings as a principal activity, and have completed the requirements of a structured intern training program approved by the board. Each year spent in an accredited architectural education program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect))~~ a high school diploma or equivalent and twelve years' practical architectural work experience, which may include designing buildings as a principal activity and postsecondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered architect and include completing the requirements of a structured intern training program approved by the board. An applicant may receive up to four years of

practical architectural work experience for postsecondary education courses in architecture, architectural technology, or a related field, including courses completed in a community or technical college, if the courses are equivalent to education courses in an accredited architectural degree program.

**Sec. 6.** RCW 18.08.360 and 1985 c 37 s 7 are each amended to read as follows:

(1) The examination for an architect's certificate of registration shall be held at least annually at such time and place as the board determines.

(2) The board shall determine the content, scope, and grading process of the examination. The board may adopt an appropriate national examination and grading procedure.

(3) Applicants who fail to pass any section of the examination shall be permitted to retake the parts failed as prescribed by the board. Applicants have five years from the date of the first passed examination section to pass all remaining sections. If the entire examination is not successfully completed within five years, ~~((a retake of the entire examination shall be required))~~ any sections that were passed more than five years prior must be retaken. If a candidate fails to pass all remaining sections within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed section. All sections of the examination must be passed within a single five-year period for the applicant to be deemed to have passed the complete examination.

(4) Applicants for registration who have an accredited architectural degree may begin taking the examination upon enrollment in a structured intern training program as approved by the board. Applicants who do not possess an accredited architectural degree may take the examination only after completing the experience and intern training requirements of this chapter.

**Sec. 7.** RCW 18.08.370 and 1985 c 37 s 8 are each amended to read as follows:

(1) The director shall issue a certificate of registration to any applicant who has, to the satisfaction of the board, met all the requirements for registration upon payment of the registration fee as provided in this chapter. All certificates of registration shall show the full name of the registrant, have the registration number, and shall be signed by the ~~((chairman))~~ chair of the board and by the director. The issuance of a certificate of registration by the director is prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered architect.

(2) Each registrant shall obtain a seal of the design authorized by the board bearing the architect's name, registration number, the legend "Registered Architect," and the name of this state. ~~((Drawings prepared by the registrant shall be sealed and signed by the registrant when filed with public authorities.))~~ All technical submissions prepared by an architect and filed with public authorities must be sealed and signed by the architect. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired, been revoked, or is suspended.

(3) An architect may seal and sign technical submissions under the following conditions:

(a) An architect may seal and sign technical submissions that are: Prepared by the architect; prepared by the architect's regularly employed subordinates; prepared in part by an individual or firm under a direct subcontract with the architect; or prepared in collaboration with an architect who is licensed in a jurisdiction recognized by the board, provided there is a contractual agreement between the architects.

(b) An architect may seal and sign technical submissions based on prototypical documents provided: The architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; the architect thoroughly analyzes the prototypical documents, makes necessary revisions, and adds all required elements

and design information, including the design services of engineering consultants, if warranted, so that the prototypical documents become suitable complete technical submissions, in compliance with applicable codes, regulations, and site-specific requirements.

(c) An architect who seals and signs the technical submissions under this subsection (3) is responsible to the same extent as if the technical submissions were prepared by the architect.

**Sec. 8.** RCW 18.08.410 and 1985 c 37 s 12 are each amended to read as follows:

This chapter shall not affect or prevent:

(1) The practice of naval architecture, landscape architecture as authorized in chapter 18.96 RCW, engineering as authorized in chapter 18.43 RCW, or the provision of space planning ~~((or interior design))~~ (or any legally recognized profession or trade by persons not registered as architects) services not affecting public health or safety;

(2) Drafters, clerks, project managers, superintendents, and other employees of architects ~~((engineers, naval architects, or landscape architects))~~ from acting under the instructions, control, or supervision of ~~((their employers))~~ an architect;

(3) The construction, alteration, or supervision of construction of buildings or structures by contractors registered under chapter 18.27 RCW or superintendents employed by contractors or the preparation of shop drawings in connection therewith;

(4) Owners or contractors registered under chapter 18.27 RCW from engaging persons who are not architects to observe and supervise construction of a project;

(5) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure regardless of size, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;

(6) Except as otherwise provided in this section, any person from doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to a total building size of four thousand square feet ~~((of construction))~~; or

(7) ~~((Design-build construction by registered general contractors if the structural design services are performed by a registered engineer;~~

(8) Any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; or

(9) Any person from designing buildings or doing other design work for structures larger than those exempted under subsections (5) and (6) of this section, if the plans, which may include such design work, are stamped by a registered engineer or architect)) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the enlargement, repair, or alteration of up to four thousand square feet in a building that is greater than four thousand square feet, provided the building is a single story with an at grade level exit and the enlargement, alteration, or repairs do not affect the life safety of the occupants or structural systems of the building, provided further that this subsection shall not allow for multiple projects in a single building in which the combined square footage of the projects is greater than four thousand square feet.

**Sec. 9.** RCW 18.08.420 and 2002 c 86 s 203 are each amended to read as follows:

(1) ~~((An architect or architects may organize a corporation formed either as a business corporation under the provisions of Title 23B RCW or as a professional corporation under the provisions of~~

chapter 18.100 RCW. For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23B RCW, the corporation or joint stock association shall file with the board:

(a) The application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the corporation is qualified under this chapter to practice architecture in this state;

(b) Its notices of incorporation and bylaws and a certified copy of a resolution of the board of directors of the corporation that designates individuals registered under this chapter as responsible for the practice of architecture by the corporation in this state and that provides that full authority to make all final architectural decisions on behalf of the corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the individuals designated in the resolution. The filing of the resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract; and

(c) A designation in writing setting forth the name or names of the person or persons registered under this chapter who are responsible for the architecture of the firm. If there is a change in the person or persons responsible for the architecture of the firm, the changes shall be designated in writing and filed with the board within thirty days after the effective date of the changes.) Any business entity, including a sole proprietorship, offering architecture services in Washington state must register with the board, regardless of its business structure. A business entity shall file with the board a list of individuals registered under this chapter as responsible for the practice of architecture by the business entity in this state and provides that full authority to make all final architectural decisions on behalf of the business entity with respect to work performed by the business entity in this state. Further, the person having the practice of architecture in his/her charge is himself/herself a general partner (if a partnership or limited liability partnership), or a manager (if a limited liability company), or a director (if a business corporation or professional service corporation) and is registered to practice architecture in this state.

(2) The business entity shall furnish the board with such information about its organization and activities as the board shall require by rule.

(3) Upon the filing with the board of the application for certificate of authorization, the certified copy of the resolution, and the information specified in subsection (1) of this section, the board shall authorize the director to issue to the ~~((corporation))~~ business entity a certificate of authorization to practice architecture in this state ~~((upon a determination by the board that:~~

~~—(a) The bylaws of the corporation contain provisions that all architectural decisions pertaining to any project or architectural activities in this state shall be made by the specified architects responsible for the project or architectural activities, or other responsible architects under the direction or supervision of the architects responsible for the project or architectural activities;~~

~~—(b) The applicant corporation has the ability to provide, through qualified personnel, professional services or creative work requiring architectural experience, and with respect to the architectural services that the corporation undertakes or offers to undertake, the personnel have the ability to apply special knowledge to the professional services or creative work such as consultation, investigation, evaluation, planning, design, and administration of the construction contract in connection with any public or private structures, buildings, equipment, processes, works, or projects;~~

~~—(c) The application for certificate of authorization contains the professional records of the designated person or persons who are responsible;~~

~~—(d) The application for certificate of authorization states the experience of the corporation, if any, in furnishing architectural services during the preceding five year period;~~

~~—(e) The applicant corporation meets such other requirements related to professional competence in the furnishing of architectural services as may be established and promulgated by the board in furtherance of the purposes of this chapter; and~~

~~—(f) The applicant corporation is possessed of the ability and competence to furnish architectural services in the public interest.~~

~~—(3) Upon recommendation of the board to impose action as authorized in RCW 18.235.110, the director may impose the recommended action upon a certificate of authorization to a corporation if the board finds that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of the corporation have committed an act prohibited under RCW 18.08.440 or 18.235.130 or have been found personally responsible for misconduct under subsection (6) or (7) of this section.~~

~~—(4) In the event a corporation, organized solely by a group of architects each registered under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to that corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in subsections (1) and (2) of this section. In the event the ownership of such corporation is altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners if exclusively architects, under the qualifications required by subsections (1) and (2) of this section).~~

~~((5)) (4) Any ((corporation)) business entity practicing or offering to practice architecture, whether or not it is authorized to practice architecture under this chapter, ((together with its directors and officers for their own individual acts, are)) shall be jointly and severally responsible to the same degree as an individual registered architect and shall conduct their business without misconduct or malpractice in the practice of architecture as defined in this chapter.~~

~~((6)) (5) Any ((corporation)) business entity that has been certified under this chapter and has engaged in the practice of architecture may have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board finds that the ((corporation)) business entity has committed misconduct or malpractice under RCW 18.08.440 or 18.235.130. In such a case, any individual architect registered under this chapter who is involved in such misconduct or malpractice is also subject to disciplinary measures provided in this chapter and RCW 18.235.110.~~

~~((7) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the direction of the designated architects and shall be signed by and stamped with the official seal of the designated architects in the corporation authorized under this chapter.~~

~~(8)) (6) For each certificate of authorization issued under this section there shall be paid a certification fee and an annual certification renewal fee as prescribed by the director under RCW 43.24.086.~~

~~((9) This chapter shall not affect the practice of architecture as a professional service corporation under chapter 18.100 RCW.)~~

**Sec. 10.** RCW 18.08.430 and 1985 c 37 s 14 are each amended to read as follows:

(1) The renewal date for certificates of registration shall be set by the director in accordance with RCW 43.24.086. Registrants who fail to pay the renewal fee within thirty days of the due date shall pay all delinquent fees plus a penalty fee equal to one-third of the renewal fee. A registrant who fails to pay a renewal fee for a period of five years may be reinstated under such circumstances as the board determines. The renewal and penalty fees and the frequency of renewal assessment shall be authorized under this chapter. Renewal



date for certificates of authorization shall be the anniversary of the date of authorization.

(2) Any registrant in good standing may withdraw from the practice of architecture by giving written notice to the director, and may within five years thereafter resume active practice upon payment of the then-current renewal fee. A registrant may be reinstated after a withdrawal of more than five years under such circumstances as the board determines.

(3) A registered architect must demonstrate professional development since the architect's last renewal or initial registration, as the case may be. The board shall by rule describe professional development activities acceptable to the board and the form of documentation of the activities required by the board. The board may decline to renew a registration if the architect's professional development activities do not meet the standards set by the board by rule. When adopting rules under the authority of this subsection, the board shall strive to ensure that the rules are consistent with the continuing professional education requirements and systems in use by national professional organizations representing architects and in use by other states.

(a) A registered architect shall, as part of his or her license renewal, certify that he or she has completed the required continuing professional development required by this section.

(b) The board may adopt reasonable exemptions from the requirements of this section.

**NEW SECTION. Sec. 11.** (1) Section 5 of this act takes effect on July 1, 2011, and all persons enrolled in an intern training program as approved by the board before July 1, 2011, shall be governed by the statute in effect at the time of enrollment in the program.

(2) Sections 7 through 10 of this act take effect July 1, 2010." Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

ESSB 5543 Prime Sponsor, Committee on Environment, Water & Energy: Reducing the release of mercury into the environment. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6214 Prime Sponsor, Committee on Government Operations & Elections: Restructuring three growth management hearings boards into one board. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Local Government & Housing. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Assistant Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 25, 2010

ESB 6240 Prime Sponsor, Senator Keiser: Regulating joint underwriting associations. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Financial Institutions & Insurance. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6248 Prime Sponsor, Committee on Health & Long-Term Care: Concerning the use of bisphenol A. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

E2SSB 6267 Prime Sponsor, Committee on Ways & Means: Regarding water right processing improvements. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Water is an essential element for economic prosperity and it generates new, family-wage jobs and state revenues. It is the intent of the legislature to provide both water right applicants and the department of ecology with the necessary tools to expedite the processing of water right applications depending on the needs of the project and agency workload.

**NEW SECTION. Sec. 2.** Sufficient resources to support the department of ecology's water resource program are essential for effective and sustainable water management that provides certainty to processed applications. The department of ecology shall review current water resource functions and report to the legislature and the governor by September 1, 2010, on improvements to make the program more self-sustaining and efficient.

**Sec. 3.** RCW 90.03.265 and 2003 c 70 s 6 are each amended to read as follows:

(1)(a) Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department((s)) may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may ((only)) be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed.

(b) The requirement to pay for the cost of other applications under (a) of this subsection does not apply to an application for a new appropriation that would not diminish the water available to earlier pending applicants for new appropriations from the same source of supply.

(c) The requirement to pay for the cost of processing other applications under (a) of this subsection does not apply to an application for a change, transfer, or other amendment that would not diminish the water available to earlier pending applicants for changes or transfers from the same source of supply.

(d) In determining whether an application would not diminish the water available to earlier pending applicants, the department shall consider any water impoundment or other water resource management mitigation technique proposed by the applicant under RCW 90.03.255 or 90.44.055.

(e) The department may enter into cost-reimbursement agreements provided resources are available and shall use the process established under RCW 43.21A.690 for entering into cost-reimbursement agreements. The department's share of work related to a cost-reimbursement application, such as final certificate approval, must be prioritized within the framework of other water right processing needs and as determined by agency rule.

(f) Each individual applicant is responsible for his or her own appeal costs that may result from a water right decision made by the department. In the event that the department's approval of an application is appealed under chapter 43.21B RCW by a third party, the applicant for the water right in question must reimburse the department for the cost of defending the decision before the pollution control hearings board unless otherwise agreed to by the applicant and the department. If an applicant appeals either an approval or a denial by the department, the applicant is responsible only for its own appeal costs.

(2) In pursuing a cost-reimbursement project, the department must determine the source of water proposed to be diverted or withdrawn from, including the boundaries of the area that delimits the source. The department must determine if any other water right permit applications are pending from the same source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department finds they are hydraulically connected. The department shall consider technical information submitted by the applicant in making its determinations under this subsection. The department may recover from a cost-reimbursement applicant its own costs in making the same source determination under this subsection.

(3) Upon request of the applicant seeking cost-reimbursement processing, the department may elect to initiate a coordinated cost-reimbursement process. To initiate this process, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties

are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that cost-reimbursement processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on a cost-reimbursement basis;

(d) Provide an estimate of how long the cost-reimbursement process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the cost-reimbursement process.

(4) The applicant initiating the cost-reimbursement request must pay for the cost of the determination under subsections (2) and (3) of this section and other costs necessary for the initial phase of cost-reimbursement processing. The cost for each applicant for conducting processing under a coordinated cost-reimbursement agreement must be based primarily on the proportionate quantity of water requested by each applicant. The cost may be adjusted if it appears that an application will require a disproportionately greater amount of time and effort to process due to its complexity.

(5)(a) Only the department may approve or deny a water right application processed under this section, and such a final decision remains solely the responsibility and function of the department. The department retains full authority to amend, refuse, or approve any work product provided by any consultant under this section. The department may recover its costs related to: (i) The review of a contractor to ensure that no conflict of interest exists; (ii) the management of consultant contracts and cost-reimbursement agreements; and (iii) the review of work products provided by participating consultants.

(b) For any cost-reimbursement process initiated under subsection (1) of this section, the applicant may, after consulting with the department, select a prequalified consultant listed by the department under subsection (7) of this section or may be assigned such a prequalified consultant by the department.

(c) For any coordinated cost-reimbursement process initiated under subsection (2) of this section, the applicant may, after consulting with the department, select a prequalified consultant listed by the department under subsection (7) of this section or may be assigned a prequalified consultant by the department.

(d) In lieu of having one or more of the work products performed by a prequalified consultant listed under subsection (7) of this section, the department may, at its discretion, recognize specific work completed by an applicant or an applicant's consultant prior to the initiation of cost-reimbursement processing. The department may also, at its discretion, authorize the use of such a consultant to perform a specific scope of the work performed by prequalified consultants listed under subsection (7) of this section.

(e) At any point during the cost-reimbursement process, the department may request or accept technical information, data, and analysis from the applicant or the applicant's consultant to support the cost-reimbursement process or the department's decision on the application.

(6) The department is authorized to adopt rules or guidance providing minimum qualifications and standards for any consultant's submission of work products under this section, including standards for submission of technical information, scientific analysis, work product documentation, and report presentation that such a consultant must meet.

(7) The department must provide notice to potential consultants of the opportunity to be considered for inclusion on the list of cost-reimbursement consultants to whom work assignments will be made. The department must competitively select an appropriate number of consultants who are qualified by training and experience to

investigate and make recommendations on the disposition of water right applications. The prequalified consultant list must be renewed at least every six years, though the department may add qualified cost-reimbursement consultants to the list at any time. The department must enter a master contract with each consultant selected and thereafter make work assignments based on availability and qualifications.

(8) The department may remove any consultant from the consultant list for poor performance, malfeasance, or excessive complaints from cost-reimbursement participants. The department may interview any cost-reimbursement consultant to determine whether the person is qualified for this work, and must spot-check the work of consultants to ensure that the public is being competently served.

(9) When a prequalified cost-reimbursement consultant from the department's list described in subsection (7) of this section is assigned or selected to investigate an application or set of applications, the consultant must document its findings and recommended disposition in the form of written draft technical reports and preliminary draft reports of examination. Within two weeks of the department receiving draft technical reports and preliminary draft reports of examination, the department shall provide the applicant such documents for review and comment prior to their completion by the consultant. The department shall consider such comments by the applicant prior to the department's issuance of a draft report of examination. The department may modify the preliminary draft reports of examination submitted by the consultant. The department's decision on a permit application is final unless it is appealed to the pollution control hearings board under chapter 43.21B RCW.

(10) If an applicant elects not to participate in a cost-reimbursement process, the application remains on file with the department, retains its priority date, and may be processed in the future under regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing account is created in the state treasury. All receipts from the fees collected under sections 5, 7, and 12 of this act must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to support the processing of water right applications for a new appropriation, change, transfer, or amendment of a water right as provided in this chapter and chapters 90.42 and 90.44 RCW or for the examination, certification, and renewal of certification of water right examiners as provided in section 7 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general

circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that expedited processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;

(d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that the application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed through regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing shall be used to reimburse the other applicants who participated in the previous expedited processing of applications, provided sufficient proceeds remain to fully cover the department's cost of processing the delayed entry application and the department's estimated administrative costs to reimburse the previously expedited applicants.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.03 RCW to read as follows:

The department must post notice on its web site and provide electronic notice and opportunity for comment to affected federally recognized tribal governments concurrently when providing notice to applicants under RCW 90.03.265 and sections 5 and 12 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall establish and maintain a list of certified water right examiners. Certified water right examiners on the list are eligible to perform final proof examinations of permitted water uses leading to the issuance of a water right certificate under RCW 90.03.330. The list must be updated annually and must be made available to the public through written and electronic media.

(2) In order to qualify, an individual must be registered in Washington as a professional engineer, professional land surveyor, or registered hydrogeologist, or an individual must demonstrate at least five years of applicable experience to the department, or be a board member of a water conservancy board. Qualified individuals must also pass a written examination prior to being certified by the department. Such an examination must be administered by either the department or an entity formally approved by the department. Each certified water right examiner must demonstrate knowledge and competency regarding:

- (a) Water law in the state of Washington;
- (b) Measurement of the flow of water through open channels and enclosed pipes;
- (c) Water use and water level reporting;
- (d) Estimation of the capacity of reservoirs and ponds;
- (e) Irrigation crop water requirements;
- (f) Aerial photo interpretation;
- (g) Legal descriptions of land parcels;
- (h) Location of land and water infrastructure through the use of maps and global positioning;
- (i) Proper construction and sealing of well bores; and
- (j) Other topics related to the preparation and certification of water rights in Washington state.

(3) Except as provided in subsection (9) of this section, upon completion of a water appropriation and putting water to beneficial use, in order to receive a final water right certificate, the permit holder must secure the services of a certified water right examiner who has been tested and certified by the department. The examiner shall carry out a final examination of the project to verify its completion and to determine and document for the permit holder and the department the amount of water that has been appropriated for beneficial use, the location of diversion or withdrawal and conveyance facilities, and the actual place of use. The examiner shall take measurements or make estimates of the maximum diversion or withdrawal, the capacity of water storage facilities, the acreage irrigated, the type and number of residences served, the type and number of stock watered, and other information relevant to making a final determination of the amount of water beneficially used. The examiner shall make photographs of the facilities to document the use or uses of water and the photographs must be submitted with the examiner's report to the department. The department shall specify the format and required content of the reports and may provide a form for that purpose.

(4) The department may suspend or revoke a certification based on poor performance, malfeasance, failure to acquire continuing education credits, or excessive complaints from the examiner's customers. The department may require the retesting of an examiner. The department may interview any examiner to determine whether the person is qualified for this work. The department shall spot-check the work of examiners to ensure that the public is being competently served. Any person aggrieved by an order of the department including the granting, denial, revocation, or suspension of a certificate issued by the department under this chapter may appeal pursuant to chapter 43.21B RCW.

(5) The decision regarding whether to issue a final water right certificate is solely the responsibility and function of the department.

(6) The department shall make its final decision under RCW 90.03.330 within sixty days of the date of receipt of the proof of examination from the certified water right examiner, unless otherwise requested by the applicant.

(7) Each certified water right examiner must complete eight hours annually of qualifying continuing education in the water resources field. The department shall determine and specify the qualifying continuing education and shall inform examiners of the opportunities. The department shall track whether examiners are current in their continuing education and may suspend the certification of an

examiner who has not complied with the continuing education requirement.

(8) Each certified water right examiner must be bonded for at least fifty thousand dollars.

(9) The department may waive the requirement to secure the services of a certified water right examiner in situations in which the department deems it unnecessary for purposes of issuing a certificate of water right.

(10) The department shall establish and collect fees for the examination, certification, and renewal of certification of water right examiners. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. Pursuant to RCW 43.135.055, the department is authorized to set fees for examination, certification, and renewal of certification for water right examiners.

(11) The department may adopt rules appropriate to carry out the purposes of this section.

**Sec. 8.** RCW 90.14.065 and 1987 c 93 s 1 are each amended to read as follows:

~~(1)(a)~~ Any person or entity, or successor to such person or entity, having a statement of claim on file with the water rights claims registry ~~((on April 20, 1987,))~~ may submit to the department of ecology for filing ~~(,)~~ an amendment to such a statement of claim if the submitted amendment is based on:

~~((1))~~ ~~(i)~~ An error in estimation of the quantity of the applicant's water claim prescribed in RCW 90.14.051 if the applicant provides reasons for the failure to claim such right in the original claim;

~~((2))~~ ~~(ii)~~ A change in circumstances not foreseeable at the time the original claim was filed, if such change in circumstances relates only to the manner of transportation or diversion of the water and not to the use or quantity of such water; or

~~((3))~~ ~~(iii)~~ The amendment is ministerial in nature.

~~(b)~~ The department shall accept any such submission and file the same in the registry unless the department by written determination concludes that the requirements of a)(i), (ii), or (iii) of this subsection ~~((1), (2), or (3) of this section))~~ have not been satisfied.

(2) In addition to subsection (1) of this section, a surface water right claim may be changed or transferred in the same manner as a permit or certificate under RCW 90.03.380, and a water right claim for groundwater may be changed or transferred as provided under RCW 90.03.380 and 90.44.100.

(3) Any person aggrieved by a determination of the department may obtain a review thereof by filing a petition for review with the pollution control hearings board within thirty days of the date of the determination by the department. The provisions of RCW 90.14.081 shall apply to any amendment filed or approved under this section.

**Sec. 9.** RCW 90.44.100 and 2009 c 183 s 16 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c)

where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

(6) This section does not apply to a water right involved in an approved local water plan created under RCW 90.92.090 or a banked water right under RCW 90.92.070.

**Sec. 10.** RCW 90.44.100 and 2003 c 329 s 3 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal

from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.44 RCW to read as follows:

Applications to appropriate groundwater under a cost-reimbursement agreement must be processed in accordance with RCW 90.03.265 when an applicant requests the assignment of a cost-reimbursement consultant as provided in RCW 43.21A.690.

**NEW SECTION. Sec. 12.** A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that expedited processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;

(d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that an application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed through regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing shall be used to reimburse the other applicants who participated in the previous expedited processing of applications, provided sufficient proceeds remain to fully cover the department's cost of processing the delayed entry application and the department's estimated administrative costs to reimburse the previously expedited applicants.

**NEW SECTION. Sec. 13.** Section 9 of this act expires June 30, 2019.

**NEW SECTION. Sec. 14.** Section 10 of this act takes effect June 30, 2019.

**NEW SECTION. Sec. 15.** 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.

**NEW SECTION. Sec. 16.** It is the intent of the legislature to recover the actual cost of processing applications for water right permits and to stop subsidizing the processing of water right permits out of general tax revenues. The legislature recognizes that the largest beneficiary of receiving a water permit is the person receiving the water permit.

It is further the intent of the legislature that the backlog of applications be eliminated within five years of the effective date of this section and that thereafter water right permit applications be

processed to a conclusion within twelve months of an application being made to the department of ecology.

**NEW SECTION. Sec. 17.** A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing and dam safety account is created in the state treasury. All receipts from the fees collected under RCW 90.03.470 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support the processing of water right applications and change applications as provided in this chapter and chapters 90.38, 90.42, and 90.44 RCW and the safety inspection of hydraulic works and plans and specifications for such works.

**Sec. 18.** RCW 90.03.470 and 2005 c 412 s 2 are each amended to read as follows:

The fees specified in this section shall be collected by the department in advance of the requested action.

(1) ((For the examination of an application for a permit to appropriate water, a minimum fee of fifty dollars must be remitted with the application.

For an amount of water exceeding one-half cubic foot per second, the examination fee shall be assessed at the rate of one dollar per one hundredth cubic foot per second. In no case will the examination fee be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (1) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265.)) For the examination of an application for a permit to appropriate water or for an application to change, transfer, or amend an existing water right, an examination fee equal to one hundred dollars for each one-hundredth of a cubic foot per second must be remitted with the application, but in no case may the examination fee be less than one thousand dollars or more than fifty thousand dollars.

(2) The following fees apply for the examination of an application to store water((, a fee of two dollars for each acre foot of storage proposed shall be charged, but a minimum fee of fifty dollars must be remitted with the application. In no case will the examination fee for a storage project be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (2) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265)) and for an application to change a storage right:

(a) For storage of less than one hundred acre feet of water, an examination fee of one thousand dollars must be remitted with the application.

(b) For storage of more than one hundred acre feet of water but less than or equal to one thousand acre feet of water, an examination fee of two thousand dollars must be remitted with the application.

(c) For storage of more than one thousand acre feet of water but less than or equal to ten thousand acre feet of water, an examination fee of seven thousand five hundred dollars must be remitted with the application.

(d) For storage of more than ten thousand acre feet of water, an examination fee of fifteen thousand dollars must be remitted with the application.

(3)(a) ((For the examination of an application to transfer, change, or amend a water right certificate, permit, or claim as authorized by RCW 90.44.100, 90.44.105, or 90.03.380, a minimum fee of fifty dollars must be remitted with the application. For an application for change involving an amount of water exceeding one cubic foot per second, the total examination fee shall be assessed at the rate of fifty cents per one hundredth cubic foot per second. For an application for change of a storage water right, the total examination fee shall be assessed at the rate of one dollar for each acre foot of water involved in the change. The fee shall be based on the amount of water subject to change as proposed in the application, not on the total amount of water reflected in the water right certificate, permit, or claim. In no

case will the examination fee charged for a change application be less than fifty dollars or more than twelve thousand five hundred dollars.

(b)) The fee paid to the department for an application for change filed with a water conservancy board under chapter 90.80 RCW or for an application for change filed by a party to a cost-reimbursement agreement under RCW 90.03.265 must be one-fifth of the amounts provided in subsections (1) and (2) of this section. A conservancy board may charge its own processing fees in accordance with RCW 90.80.060.

(b) The examination fee for a temporary or seasonal change under RCW 90.03.390 is ((fifty)) two hundred dollars and must be remitted with the application.

(c) No fee is required under this subsection (3) for:

(i) An application to process a change relating to donation of a trust water right to the state; or

(ii) An application to process a change when the department otherwise acquires a trust water right for purposes of improving instream flows or for other public purposes(;

~~(iii) An application filed with a water conservancy board according to chapter 90.80 RCW or for the review of a water conservancy board's record of decision submitted to the department according to chapter 90.80 RCW; or~~

~~(iv) An application filed by a party to a cost reimbursement agreement made under RCW 90.03.265).~~

(d) For a change, transfer, or amendment involving a single project operating under more than one water right, including related secondary diversion rights, or involving the consolidation of multiple water rights, only one examination fee and one certificate fee are required to be paid.

(4) ((The fifty-dollar minimum fee payable with the application shall be a credit to the total amount whenever the examination fee totals more than fifty dollars under the schedule specified in subsections (1) through (3) of this section and in such case the further fee due shall be the total computed amount, less the amount previously paid. Within five working days from receipt of an application, the department shall notify the applicant by registered mail of any additional fees due under subsections (1) through (3) of this section.)) (a) The fee amounts specified in this section apply to applications received after the effective date of this section and to all applications that have not been acted on by the department by issuance of a report of examination as of the effective date of this section. For pending applications that were filed prior to the effective date of this section, any fees that were paid under a previous fee schedule must be credited to the amounts required by subsections (1), (2), and (3) of this section. When the department is prepared to take action on an application that was filed prior to the effective date of this section, the department shall notify the applicant that additional fees are due and give the applicant sixty days to remit the additional fees. If the applicant fails to remit the additional fees within the time provided, the department shall cancel the application and inform the applicant of the cancellation.

(b) If the department receives a water right, change, transfer, amendment, or storage application that does not include remittance of the fee amounts required by this section, the department shall return the application to the applicant with instructions on the proper fee amount to be remitted. An application does not establish a priority date until the proper fee is remitted.

(5) ~~The ((fees specified in subsections (1) through (3) of this section do not apply to any filings)) fee for filing an emergency withdrawal authorization((s)) or temporary drought-related water right change((s)) authorized under RCW 43.83B.410 that ((are)) is received by the department while a drought condition order issued under RCW 43.83B.405 is in effect is one hundred dollars.~~

(6) For applying for each extension of time for beginning construction work under a permit to appropriate water, for completion of construction work, or for completing application of water to a

beneficial use, a fee of two hundred fifty dollars is required. These fees also apply to similar extensions of time requested under a change or transfer authorization.

(7) For the inspection of any hydraulic works to ~~((insure))~~ ensure safety to life and property, a fee based on the actual cost of the inspection, including the expense incident thereto, is required ~~((except as follows: (a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or (b) for any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall not exceed the fee for a significant hazard dam)).~~

(8) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ~~((ten))~~ five hundred dollars, or a fee equal to the actual cost, is required.

(9) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of ~~((fifty))~~ two hundred dollars is required.

(10) For preparing and issuing all water right certificates, a fee of ~~((fifty))~~ two hundred dollars is required.

(11) For filing and recording a formal protest against granting any application, a fee of fifty dollars is required. No fee is required to submit a comment, by mail or otherwise, regarding an application.

(12) For filing an application to amend a water right claim filed under chapter 90.14 RCW, a fee of ~~((fifty))~~ two hundred dollars is required.

(13) For the registration of a new permit exempt groundwater withdrawal as required by RCW 90.44.050, a fee of three hundred dollars must be remitted.

(14)(a) Each person who holds a water right permit application, a reservoir permit application, or a change, transfer, or amendment application that is pending at any time between the effective date of this section and June 30, 2011, must remit a one-time fee of two hundred dollars to the department to retain an application in good standing. The department shall provide written notice by certified mail to each holder of an application for the fees that are due under this section. The notice must require that the fees be paid within sixty days of the date of receipt, but in no case may payment be due later than June 30, 2011. For ease of administration, the department may distribute the issuance of the notices by geographic area. The surcharge paid under this subsection is a credit against the application fees required in this section.

(b) Applications not in good standing must be canceled. The department shall issue an order to any holder of an application who fails to pay the fee within the prescribed time. The order must state that the application is canceled unless payment is received within thirty days.

(c) The department shall advise an applicant and provide an opportunity for an applicant to withdraw their application without further payment of fees if the department determines that the application would not likely be approved. The department shall summarize the basis for its conclusion to the applicant. The department shall further advise that the applicant has the option of providing an amended application that could include storage or other resource management technique that might make it approvable under RCW 90.03.255 or 90.44.055. The department's advice is not subject to appeal. If the applicant decides to retain the application on file and pays the fee required in this subsection, the department shall maintain the application in good standing until it is able to render a final decision on the application. The final decision is subject to appeal to the pollution control hearings board as provided under chapter 43.21B RCW.

(15) An application or request for an action as provided for under this section is incomplete unless accompanied by the fee or the minimum fee. If no fee or an amount less than the minimum fee accompanies an application or other request for an action as provided under this section, the department shall return the application or request to the applicant with advice as to the fee that must be remitted with the application or request for it to be accepted for processing. If additional fees are due, the department shall provide timely notification by certified mail with return receipt requested to the applicant. No action may be taken by the department until the fee is paid in full. Failure to remit fees within sixty days of the department's notification is grounds for rejecting the application or request or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

~~((14))~~ (16) For purposes of calculating fees for groundwater filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

~~((15))~~ Eighty percent of the fees collected by the department under this section shall be deposited in the state general fund. Twenty percent of the fees collected by the department under this section shall be deposited in the water rights tracking system account established in RCW 90.14.240.

(16) Except for the fees relating to the inspection of hydraulic works and the examination of plans and specifications of controlling works provided for in subsections (7) and (8) of this section, nothing in this section is intended to grant authority to the department to amend the fees in this section by adoption of rules or otherwise.) (17) The fees collected by the department under this section must be deposited in the water rights processing and dam safety account created in section 17 of this act.

(18)(a) The fees specified in this section are effective until the department adopts rules that modify them in accordance with section 21 of this act, except that the fees required in subsections (7) and (8) of this section may be modified at any time.

(b) When information has been previously obtained that directly relates to the processing of an application in subsections (1) and (2) of this section, the department must proportionately reduce the fees associated with that application as a result of the reduced workload of the department.

**NEW SECTION. Sec. 19.** A new section is added to chapter 90.03 RCW to read as follows:

Within existing appropriations, the department must provide grant funds to assist applicants in the payment of fees required in RCW 90.03.470. The department shall give priority in the distribution of grant money to applicants who designate on their application that the water will be used for agricultural purposes.

**Sec. 20.** RCW 90.44.050 and 2003 c 307 s 1 are each amended to read as follows:

(1) After June 6, 1945, no withdrawal of public groundwaters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public groundwaters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in RCW 90.44.052, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party

making withdrawals of groundwaters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

(2)(a) The owner of a permit exempt withdrawal established under this section, the beneficial use of which is commenced on or after the effective date of this section, must register the withdrawal with the department on a registration form provided by the department. The registration must include information regarding the ownership and intended purpose of the withdrawal, the amounts withdrawn or proposed to be withdrawn, and the location, size, depth, and other particulars regarding the well. The department shall make the registration form available on its internet site and shall accept the filing of registration forms electronically as well as by conventional mail or personal delivery.

(b) For each permit exempt withdrawal the beneficial use of which is commenced on or after the effective date of this section, the registration form must be accompanied by a fee of three hundred dollars. Upon receiving a completed registration form and fee, the department shall make a record of the registration form and shall return a copy of the registration marked as having been received and registered.

(c) The well or wells being registered must be tagged in accordance with RCW 18.104.040(6). The department shall provide an identification tag for each well and shall instruct the owner to affix the tags to the wells used to withdraw water.

(d) Whenever the owner of a permit exempt withdrawal adds dwelling units or additional purposes for the use of the withdrawal or otherwise increases the amount of water to be withdrawn by more than twenty percent, a new registration form and fee of one hundred dollars must be filed.

(e) All fees collected under this section must be deposited into the water rights processing and dam safety account created in section 17 of this act.

(3) The department may issue either an order under RCW 43.27A.190 or a civil penalty under RCW 90.03.600, or both, to the owner of a new permit exempt withdrawal who fails to file the registration form and fee required in subsection (2) of this section. Before issuing an order or penalty, the department shall inform the owner in writing by registered mail with return receipt that the registration form and fee must be remitted within thirty days. An order issued under this subsection may require the owner to cease withdrawing and using water until the form and fee have been filed. If the owner continues to refuse to file the form and fee, the department may issue an order requiring that the subject well or wells be decommissioned.

(4) A permit exempt withdrawal, the beneficial use of which is commenced on or after the effective date of this section, that has not been registered shall not be recognized as a water right under a general adjudication of water rights held under chapter 90.03 RCW.

**NEW SECTION. Sec. 21.** A new section is added to chapter 90.03 RCW to read as follows:

To effectuate the purpose of fully recovering the direct administrative costs incurred by the state to process water right and storage applications under this chapter and RCW 90.44.050 and to inspect and approve hydraulic works under this chapter, the department may periodically adopt rules to adjust the fees established in RCW 90.03.470. Any subsequent fees adopted by rule supersede those provided in RCW 90.03.470. Before proposing to adopt any changes to the fees, the department shall consult with the policy committees of the legislature that review water resources legislation.

**NEW SECTION. Sec. 22.** A new section is added to chapter 90.03 RCW to read as follows:



(1) The department shall submit a report to the legislature prior to December 31, 2012, and biennially thereafter until December 31, 2020, on the status of the backlog of applications for water right permits, the effectiveness of processing water right permit applications to a conclusion within twelve months, and the appropriateness of the fee amounts.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 23. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may not require withdrawals of groundwater to be metered or measured for wells authorized under the provisions of RCW 90.44.050 constructed prior to the effective date of this section for single or group domestic uses that do not exceed withdrawing five thousand gallons a day.

(2) This section does not apply to wells the department has required to be metered or measured as of the effective date of this section."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Klippert and Short.

Referred to Committee on Ways & Means.

February 25, 2010  
SSB 6293 Prime Sponsor, Committee on Judiciary: Changing provisions relating to rendering criminal assistance in the first degree. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass without amendment by Committee on Public Safety & Emergency Preparedness. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010  
SSB 6357 Prime Sponsor, Committee on Higher Education & Workforce Development: Requiring policies for academic recognition of certain formal and informal learning experiences. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 25, 2010  
ESSB 6359 Prime Sponsor, Committee on Higher Education & Workforce Development: Promoting efficiencies including institutional coordination

and partnerships in the community and technical college system. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 25, 2010  
SSB 6373 Prime Sponsor, Committee on Environment, Water & Energy: Directing the department of ecology to adopt rules requiring entities to report the emissions of greenhouse gases. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Ecology & Parks. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010  
SSB 6416 Prime Sponsor, Committee on Human Services & Corrections: Concerning relatives in dependency proceedings. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 24. A new section is added to chapter 13.34 RCW to read as follows:

(1) A caregiver of a dependent child may petition the juvenile court to be heard on a decision by the department or supervising agency to remove the child from the caregiver's home if:

(a) The child has been found to be a dependent child under this chapter;

(b) The child was placed with the caregiver by the department or supervising agency and resided in the caregiver's home for twelve or more continuous months prior to the decision to remove, or the removal of, the child;

(c) The child is in the custody of the department or supervising agency at the time the petition to be heard is filed;

(d) The department or supervising agency has made the decision to remove or has already removed the child from the caregiver's home; and

(e) The child is not being returned home or moved to a permanent placement that is consistent with the child's permanency plan approved by the court.

(2) The caregiver may file a petition under this section within not more than ten business days after the date the caregiver receives notice of the removal decision, or the child is removed from the caregiver's home, whichever is later.

(3) If the requirements of subsection (1) of this section are met, the court shall grant the petition to be heard on the sole issue of the placement decision and shall schedule an expedited hearing on the matter.

(4) The caregiver has the right to be represented by counsel, at his or her own expense, at the hearing on the issue of the placement decision.

(5) The granting of a petition to be heard under this section does not grant the caregiver party status in the underlying dependency.

(6) The right to file a petition to be heard under this section does not grant a caregiver the right to further review of the placement decision on which the caregiver petitioned to be heard.

(7) For the purposes of this section, "caregiver" means a licensed foster parent, another suitable person as described in RCW 13.34.130(1)(b), or a relative as defined in RCW 74.15.020(2)(a) who is not the child's parent."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Assistant Ranking Minority Member and Klippert.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6520 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Extending time to complete recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Local Government & Housing. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Hunter; Kagi; Maxwell; Nealey; Quall and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson; Carlyle; Haler and Rolfes.

Passed to Committee on Rules for second reading.

February 25, 2010

ESSB 6522 Prime Sponsor, Committee on Health & Long-Term Care: Establishing the accountable care organization pilot projects. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6556 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Changing the fees for certain types of agricultural burning. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6557 Prime Sponsor, Committee on Environment, Water & Energy: Limiting the use of certain substances in brake friction material. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member Armstrong, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 25, 2010

ESB 6610 Prime Sponsor, Senator Hargrove: Concerning the assessment and treatment of certain persons with mental illnesses. (REVISED FOR ENGROSSED: Improving procedures relating to the commitment of persons found not guilty by reason of insanity. ) Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Human Services. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Johnson and Walsh.

Passed to Committee on Rules for second reading.

February 25, 2010

2SSB 6679 Prime Sponsor, Committee on Ways & Means: Concerning the small business export finance assistance center. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and

without amendment by Committee on Community & Economic Development & Trade. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6730 Prime Sponsor, Committee on Human Services & Corrections: Concerning child welfare. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"**Sec. 25.** RCW 13.34.096 and 2009 c 520 s 25 are each amended to read as follows:

(1) The department or supervising agency shall provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. The rights to notice and to be heard apply only to persons with whom a child has been placed by the department (~~before shelter care~~) or other supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

(2) The department or other supervising agency and the court also shall consider, in any hearing under this chapter regarding a change in the child's placement, written information about the child submitted by persons who provided care to the child within twelve months preceding the hearing and other persons who have a significant relationship with the child.

**Sec. 26.** RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home or in the home of a relative caregiver or other suitable person as described in RCW 13.34.130(1)(b) by the department or supervising agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or supervising agency shall notify the foster family, relative caregiver, or other suitable person at least five days prior to moving the child to another placement, unless:

- (a) A court order has been entered requiring an immediate change in placement;
- (b) The child is being returned home;
- (c) The child's safety is in jeopardy; or
- (d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home or in the home of a relative caregiver or other suitable person as described in RCW 13.34.130(1)(b) for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or supervising agency shall notify the foster family, relative caregiver, or suitable person of proposed placement changes as soon as reasonably possible.

(3) This section is intended (~~solely~~) to assist in minimizing disruption to the child in changing (~~foster care~~) placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's (~~foster care~~) placement nor to create any substantive custody rights (~~in the~~) for foster

parents, relative caregivers, or other suitable persons with whom a child is placed.

(4) Whenever a child has been placed with and resided in the home of a foster family, relative caregiver, or other suitable person as described in RCW 13.34.130(1)(b) for twelve continuous months or longer, the notice required under this section must be in writing and specify the reasons for changing the child's placement. The department shall report annually to the appropriate committees of the legislature regarding changes in placement for children who have resided for twelve continuous months or longer with a foster family, relative caregiver, or other suitable person, including the reasons for changing the placements of those children. The first report is due to the legislature not later than September 1, 2011, and a final report is due September 1, 2015.

**Sec. 27.** RCW 13.34.105 and 2008 c 267 s 13 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem for a child subject to a proceeding under this chapter, including an attorney specifically appointed by the court to serve as a guardian ad litem, include but are not limited to the following:

(a) To investigate, collect relevant information about the child's situation, and report to the court factual information regarding the best interests of the child;

(b) To meet with, interview, or observe the child, depending on the child's age and developmental status, and report to the court any views or positions expressed by the child on issues pending before the court;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order;

(d) To report to the court information on the legal status of a child's membership in any Indian tribe or band;

(e) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and

(f) To represent and be an advocate for the best interests of the child.

(2) When a child, in the course of a guardian ad litem's normal investigation and collection of information for the court, makes a disclosure of abuse or neglect, the guardian ad litem shall make a referral to child protective services pursuant to RCW 26.44.030.

(3) A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

~~((3))~~ (4) Except for information or records specified in RCW 13.50.100(7), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

~~((4))~~ (5) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

~~((5))~~ (6) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

**NEW SECTION. Sec. 28.** If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or

chapter number and section number, is not provided by June 30, 2010, in the omnibus appropriations act, section 2 of this act is null and void."

Correct the title.

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 25, 2010  
SSB 6747 Prime Sponsor, Committee on Ways & Means: Authorizing the department of natural resources to recover costs for data delivery services provided under the natural heritage program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 29.** A new section is added to chapter 79.70 RCW to read as follows:

(1) In an effort to recover the service cost incurred for staff time and other expenses involved in data delivery and information services from the natural heritage program, the department shall collect either:

(a) A one thousand dollar annual subscription fee for statewide data. The annual subscription fee includes five separate requests for information services as described in subsection (2) of this section. An hourly charge described in subsection (3) of this section will be assessed for information requests in excess of the five requests included in an annual subscription fee; or

(b) A one hundred dollar annual fee for data covering a full county or any portion thereof, plus an hourly charge described in subsection (3) of this section for information services requests described in subsection (2) of this section.

(2) For the purposes of this section, an information services request includes, but is not limited to, data analysis, technical assistance, manual searches, map interpretations, and preparing special reports.

(3) The hourly charge to process and respond to an information services request is seventy-five dollars per hour rounded to the nearest one-half hour. The department may waive user charges when an information services request requires less than one hour of response time or when no data or information services are provided. When the request is from a student for educational purposes, the department may waive fees for data and information services.

(4) The fees charged to an applicant requesting information services on private land owned by the applicant may not exceed three hundred dollars per calendar year.

(5) All moneys collected under this section must be deposited into the natural resources conservation areas stewardship account created in RCW 79.71.090.

(6) After July 1, 2011, the department may adjust or modify the fees specified in this section as necessary to recover the service costs.

(7) Nothing in this section limits the department from entering into contracts, agreements, or other arrangements with public and private agencies or organizations to provide the type of natural heritage information services covered by this section."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Hudgins; Kenney; Klippert; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee and Short.

Passed to Committee on Rules for second reading.

February 25, 2010  
SSB 6759 Prime Sponsor, Committee on Early Learning & K-12 Education: Requiring a plan for a voluntary program of early learning. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Children's Services. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representative Nealey.

Passed to Committee on Rules for second reading.

February 25, 2010  
SSB 6760 Prime Sponsor, Committee on Ways & Means: Regarding the basic education instructional allocation distribution formula. 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. 30.** (1) It is the legislature's intent to continue implementation of chapter 548, Laws of 2009, by adopting the technical details of a new distribution formula for the instructional program of basic education and authorizing a phase-in of implementation of a new distribution formula for pupil transportation, both to take effect September 1, 2011. Unless otherwise stated, the numeric values adopted in section 2 of this act represent the translation of 2009-2010 state funding levels for the basic education act into the funding factors of the prototypical school funding formula, based on the expert advice and extensive work of the funding formula technical working group established by the legislature for this purpose. The legislature intends to continue to review and revise the formulas and may make revisions as necessary for technical purposes and consistency in the event of mathematical or other technical errors.

(2) The legislature intends that basic education funding for a school district shall not be decreased as a result of the transition of basic education funding formulas in effect during the 2009-2011 biennium to the new funding formulas under RCW 28A.150.260 that take effect September 1, 2011.

(3) It is also the legislature's intent to adopt an implementation schedule for phasing-in enhancements to the baseline funding levels of 2009-10 beginning in the 2011-12 school year for pupil transportation, class size allocations for grades kindergarten through three, full-day kindergarten, and allocations for maintenance, supplies, and operating costs.

(4) Finally, it is the legislature's intent to adjust the timelines for other working groups so that their expertise and advice can be received as soon as possible and to make technical adjustments to certain provisions of chapter 548, Laws of 2009.

**Sec. 31.** RCW 28A.150.260 and 2009 c 548 s 106 are each amended to read as follows:

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 for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter ~~28A.155~~, 28A.165, 28A.180, or ~~((28A.155))~~ 28A.185 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) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, 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. It is the intent that the funding allocations to school districts 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 to the extent that data is available. 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.

~~((e))~~ (4)(a) 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 ~~((a))~~ the following general education average class size ((as specified in the omnibus appropriations act.)) of full-time equivalent students per teacher:

General education average class size	
Grades K-3	25.23
Grade 4-7	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(b) Beginning in the 2011-12 school year and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 15.0 full-time equivalent students per teacher beginning in the 2015-16 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction	22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

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

~~((iii))~~ (ii) A specialty 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))~~ (5) 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, performing functions including information literacy, technology, and media to support school library media programs;

~~((iii))~~ Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;

~~((iv))~~ Guidance counselors, performing functions including parent outreach and graduation advisor;

~~((v))~~ Professional development coaches;

~~((vi))~~ Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;

~~((vii))~~ Office support, technology support, and other noninstructional aides;

~~((viii))~~ Custodians, warehouse, maintenance, laborer, and professional and technical education support employees; and

~~((ix))~~ Classified staff providing student and staff safety.

(4)(a))

<u>Elem</u>	<u>Mid</u>	<u>Hig</u>
<u>ntary</u>	<u>dle</u>	<u>h</u>
<u>Schoo</u>	<u>Sch</u>	<u>Sch</u>
<u>l</u>	<u>ool</u>	<u>ool</u>

<u>Principals, assistant principals, and other certificated building-level administrators.....</u>	<u>1.253</u>	<u>1.3</u>	<u>1.8</u>
<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs.....</u>	<u>0.663</u>	<u>0.5</u>	<u>0.5</u>
<u>Health and social services:</u>			
<u>School nurses .....</u>	<u>0.076</u>	<u>0.0</u>	<u>0.0</u>
<u>Social workers.....</u>	<u>0.042</u>	<u>0.0</u>	<u>0.0</u>
<u>Psychologists.....</u>	<u>0.017</u>	<u>0.0</u>	<u>0.0</u>
<u>Guidance counselors, a function that includes parent outreach and graduation advising.....</u>	<u>0.493</u>	<u>1.1</u>	<u>1.9</u>
<u>Teaching assistance, including any aspect of educational instructional services provided by classified employees .....</u>	<u>0.936</u>	<u>0.7</u>	<u>0.6</u>
<u>Office support and other noninstructional aides .....</u>	<u>2.012</u>	<u>2.3</u>	<u>3.2</u>
<u>Custodians.....</u>	<u>0.079</u>	<u>0.0</u>	<u>0.1</u>
<u>Classified staff providing student and staff safety.....</u>	<u>0.077</u>	<u>0.0</u>	<u>0.1</u>

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	0.628
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.45 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, 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, to be adjusted for inflation from the 2008-09 school year: ~~((Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development for both certificated and classified staff; other building level costs including maintenance, custodial, and security; and central office administration.))~~

Per annual average full-time equivalent student in grades K-12	
Technology	\$54.43
Utilities and insurance	\$147.90
Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27

Security and central office \$50.76

(b) ~~((The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced))~~ Beginning in the 2011-12 school year, the minimum allocation for maintenance, supplies, and operating costs shall be increased annually until the following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2013-14 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$113.80
Utilities and insurance	\$309.21
Curriculum and textbooks	\$122.17
Other supplies and library materials	\$259.39
Instructional professional development for certificated and classified staff	\$18.89
Facilities maintenance	\$153.18
Security and central office administration	\$106.12

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

~~((5))~~ (10) In addition to the allocations otherwise 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)), amounts shall be provided to support the following programs and services:

(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))~~ district percentage of students in ~~((each school))~~ grades K-12 who ~~((are))~~ were eligible for free ~~((and))~~ or reduced-price meals in the prior school year. 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))~~ resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count 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))~~ resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

~~((6))~~ The allocations provided under subsections (3) and (4) of this section shall be enhanced)) (c) To provide additional allocations to support programs for highly capable students under RCW

28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education 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)) resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

~~((7))~~ (11) The allocations under subsections ~~((3))~~ (4)(a) and (b), ((e)(i), and (d), (4)), (5), (6), and (8) 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 subsections (3) and (6) of this section for all schools in the district.

~~(9))~~ (12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections ~~((3))~~ (4) and ~~((5))~~ (10) 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), (7), and (9) 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))~~ (13)(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.

(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.

(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, 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 and shall be included as part of the superintendent's biennial budget request. 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 ways and means committee and the senate ways and means committee.

(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.

**Sec. 32.** RCW 28A.150.390 and 2009 c 548 s 108 are each amended to read as follows:

(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.150.260 ~~((3)(b), (e)(i), and (d), (4), and (8)) 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))~~ (4)(a) and (b), (5), (6), and (8).

(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)(b), (e)(i), and (d), (4), and (8))~~ (4)(a) and (b), (5), (6), and (8), 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.

**Sec. 33.** RCW 28A.150.315 and 2009 c 548 s 107 are each amended to read as follows:

(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. Beginning with the 2011-12 school year, funding shall continue to be phased-in incrementally each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 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.

**Sec. 34.** 2009 c 548 s 112 (uncodified) is amended to read as follows:

(1) The legislature intends to continue to redefine the instructional program of education under RCW 28A.150.220 that fulfills the obligations and requirements of Article IX of the state Constitution. The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented to the extent the technical details of the formula have been established and according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that any increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements. It is the intent of the legislature that no increased programmatic or instructional expectations be imposed upon schools or school districts without an accompanying increase in resources as necessary to support those increased expectations.

(2) The office of financial management, with assistance and support from 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 to the legislature an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature; and

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the legislature and the quality education council created in ~~((section 114 of this act))~~ RCW 28A.290.010 for consideration.

(3) The working group shall include representatives of 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, the public school employees of Washington, and other interested stakeholders 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.

(4) The working group shall be monitored and overseen by the legislature and the quality education council established in ~~((section 114 of this act))~~ RCW 28A.290.010. The working group shall submit its recommendations to the legislature by December 1, 2009.

(5) After the 2009 report to the legislature, the office of financial management and the office of the superintendent of public instruction shall periodically reconvene the working group to monitor and provide advice on further development and implementation of the funding formulas under RCW 28A.150.260 and provide technical assistance to the ongoing work of the quality education council.

**Sec. 35.** 2009 c 548 s 302 (uncodified) is amended to read as follows:

(1) Beginning ~~((July))~~ April 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established under ~~((this act))~~ chapter 548, Laws of 2009 and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall also:

(a) Examine local school district capacity to address facility needs associated with phasing-in full-day kindergarten across the state and reducing class size in kindergarten through third grade; and

(b) Provide the quality education council with analysis on the potential use of local funds that may become available for redeployment and redirection as a result of increased state funding allocations for pupil transportation and maintenance, supplies, and operating costs.

(4) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of 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, the public school employees of Washington, and other interested stakeholders 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.

~~((4))~~ (5) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in ~~((section 114 of this act))~~ RCW 28A.290.010. The working group shall report to the legislature ~~((December 1))~~ June 30, 2011.

**Sec. 36.** RCW 43.41.398 and 2009 c 548 s 601 are each amended to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of the superintendent of public instruction, in collaboration with the office of financial management, shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

(a) How to reduce the number of tiers within the existing salary allocation model;

(b) How to account for labor market adjustments;



(c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;

(d) The role of and types of bonuses available;

(e) Ways to accomplish salary equalization over a set number of years; and

(f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

(a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;

(b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

(c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in RCW 28A.290.010. The working group shall make an initial report to the legislature by ~~(December 4)~~ June 30, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

**Sec. 37.** RCW 28A.160.192 and 2009 c 548 s 311 are each amended to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall ~~((be according to the implementation schedule adopted by the legislature and shall))~~ begin no later than the ~~((2013-14))~~ 2011-12 school year and be fully implemented by the 2013-14 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 must 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.))

NEW SECTION. Sec. 38. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction 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, 2010.

(2) Beginning in December 2010, 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.

(3) This section expires June 30, 2015.

**Sec. 39.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

(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, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered 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 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 master's 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. 40.** RCW 28A.175.010 and 2005 c 207 s 3 are each amended to read as follows:

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

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

(a) The number of students who graduate in fewer than four years;

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

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

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

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

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

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

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

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status; and

(d) Disability status.

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

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

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

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

(8) The Washington state institute for public policy shall calculate an annual estimate of the savings to taxpayers resulting from any improvement compared to the prior school year in the extended graduation rate, as calculated by the superintendent of public instruction. The superintendent shall include the estimate from the institute in an appendix of the report required under subsection (7) of this section, beginning with the 2010 report.

**NEW SECTION. Sec. 41.** A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall implement and maintain an internet-based portal that provides ready public access to the state's prototypical school funding model for basic education under RCW 28A.150.260. The portal must provide citizens the opportunity to view, for each local school building, the staffing levels and other prototypical school funding elements that are assumed under the state funding formula. The portal must also provide a matrix displaying how individual school districts are

deploying those same state resources through their allocation of staff and other resources to school buildings, so that citizens are able to compare the state assumptions to district allocation decisions for each local school building.

**Sec. 42.** RCW 28A.150.100 and 1990 c 33 s 103 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" ~~((shall))~~ means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) ~~((In the 1988-89 school year and thereafter,))~~ Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

**Sec. 43.** 2009 c 548 s 710 (uncodified) is amended to read as follows:

(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))~~ (4) 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; and

~~((6))~~ (5) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

**Sec. 44.** RCW 28A.290.010 and 2009 c 548 s 114 are each amended to read as follows:

(1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under RCW 28A.300.172 and the availability of data and progress of implementing the data systems required under RCW 28A.655.210. Any recommendations for modifications to the program of basic education shall be based on evidence that the programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may 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 work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council 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; and

Two nonlegislative representatives from the achievement gap oversight and accountability committee established under RCW 28A.300.136, to be selected by the members of the committee.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, 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 chapter 548, Laws of 2009.

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter 548, Laws of 2009. The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall submit a report to the governor and the legislature by December 1, 2010, that includes recommendations for specific strategies, programs, and funding, including funding allocations through the funding distribution formula in RCW 28A.150.260, that are designed to close the achievement gap and increase the high school graduation rate in Washington public schools. The council shall consult with the achievement gap oversight and accountability committee and the building bridges work group in developing its recommendations.

(7) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the committee. Senate committee services and the house of representatives office of program research may provide additional staff support.

~~((7))~~ (8) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 45.** 2009 c 548 s 805 (uncodified) is amended to read as follows:

Sections 304 through 311 of this act take effect September 1, ~~((2013))~~ 2011.

NEW SECTION. **Sec. 46.** 2009 c 548 s 112, as amended by section 5 of this act, is codified as a section in chapter 28A.290 RCW.

NEW SECTION. **Sec. 47.** RCW 43.41.398 is recodified as a section in chapter 28A.400 RCW.

NEW SECTION. **Sec. 48.** Sections 2, 3, 4, 8, 10, 13, and 14 of this act take effect September 1, 2011.

NEW SECTION. **Sec. 49.** Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

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

Referred to Committee on Ways & Means.

February 25, 2010

SSSB 6790 Prime Sponsor, Committee on Ways & Means: Concerning cluster and innovation partnership zone grants. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Community & Economic Development & Trade. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 25, 2010

ESSB 6805 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Concerning the Washington state economic development commission. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Community & Economic Development & Trade. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2836 which was placed on the second reading calendar and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267 which was referred to the Committee on Ways & Means.

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

There being no objection, the Committee on Local Government & Housing was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 6603, and the bill was referred to the Committee on Rules. There being no objection, the Committee on Health and Human Services Appropriations was relieved of SUBSTITUTE SENATE BILL NO. 6349, and the bill was referred to the Committee on Rules.

BARBARA BAKER, Chief Clerk

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

There being no objection, the House adjourned until 12:00 p.m., February 28, 2010, the 49th Day of the Regular Session.

FRANK CHOPP, Speaker

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